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     UNITED STATES DISTRICT COURT
     EASTERN DISTRICT OF NEW YORK
 3
     SIEW V. Thong, Yue F. Xia
     qiao F. Chen
 5
                      Plaintiffs,
           -against-
                                     )08-CV-3469(TCP(WDW)
 7
     LOVELY NAILS NY, INC., d/b/a
     "Lovely Nails," NEW ALWAYS
                                     )
     NAILS CORP. d/b/a "Always Is
     Nails", MAJOONGMOOL CORP,
 9
     D/b/a "Always Is Nails," J H
     DIVA NAIL & SPA, INC., d/b/a
10
     "Diva Nails," VIVA NAILS &
     SPA, INC., d/b/a "Diva Nails,")
11
     QIXING LI a/k/a "John Lee," )
     GUINING CUI a/k/a "Susan Lee,")
12
                      Defendants.
13
14
15
16
                   DEPOSITION OF YING AI CHE
17
                       New York, New York
18
                    Wednesday, July 15, 2009
19
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21
22
23
     Reported by:
     JOMANNA DEROSA, CSR
25
     JOB NO. 23712
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1 1	1430 1	1	1 230 3
1 2		1   2	APPEARANCES:
3		3	COVINGTON & BURLING, LLP
4	July 15, 2009	4	Attorneys for the Plaintiffs
5	10:09 a.m.	5	The New York Times Building
6	10.09 a.m.	6	620 Eighth Avenue
7		7	New York, New York 10018-1405
8	Deposition of YING AI CHE, held at	8	BY: NATASHA M. KORGAONKAR, ESQ.
9	the offices of Covington & Burling, LLP, 620	9	JOHN HAN, ESQ.
10	Eighth Avenue, New York, New York,	10	
11	pursuant to Notice, before Jomanna DeRosa, a	11	YIM LAW GROUP
12	Certified Shorthand Reporter and Notary	12	Attorneys for Defendants Majoongmool Corp.,
13	Public of the State of New York.	13	Viva Nails & Spa, and Guining Cui
14		14	122 West 27th Street, Floor 12
15		15	New York, New York 10001
16		16	BY: MICHAEL D. YIM, ESQ.
17		17	I AND OFFICES OF SUSAN CANA
18		18	LAW OFFICES OF SUSAN GHIM
19		19 20	Attorneys for the Witness, Ying Ai Che
20 21		21	20 West 121 Street, Suite 2 New York, New York 10027
22		22	BY: SUSAN GHIM, ESQ.
23		23	B1. SOSAN OIIIM, ESQ.
24		24	
25		25	
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	Page 4		Page 5
	1430 1		
1	A DDE A D A N CE C (Continued).	1   2	CHE O K - S O O N D A N G, the interpreter, having
2 3	A P P E A R A N C E S (Continued):	3	first been duly sworn by the Notary Public,
4	ALSO PRESENT:	4	interpreted from English to Korean and from Korean
5	SAMI THONG	5	to English, to the best of her ability, as
6	AMEE MASTER, Urban Justice Center	6	follows:
7	CARMELA HUANG, Urban Justice Center	7	YING AICHE, having first been duly sworn
8	RYAN SWEENEY	8	by the Notary Public, was examined and testified
9	JESSICA CRONIN	9	(through the interpreter) as follows:
10		10	EXAMINATION BY
11		11	MS. KORGAONKAR:
12		12	Q. Thank you for coming here this
13		13	morning, Ms. Che.
		14	My name is Natasha Korgaonkar and I
14		17 -	
15		15	work as one of the attorneys for the plaintiffs in
15 16		16	this case.
15 16 17		16 17	this case. A. Yes.
15 16 17 18		16 17 18	this case. A. Yes. Q. So, this this deposition today
15 16 17 18 19		16 17	this case. A. Yes. Q. So, this this deposition today is really just going to be a conversation between
15 16 17 18		16 17 18 19	this case. A. Yes. Q. So, this this deposition today is really just going to be a conversation between you and me, and there should really, at any point,
15 16 17 18 19 20		16 17 18 19 20	this case. A. Yes. Q. So, this this deposition today is really just going to be a conversation between
15 16 17 18 19 20 21		16 17 18 19 20 21	this case. A. Yes. Q. So, this this deposition today is really just going to be a conversation between you and me, and there should really, at any point, only be one of four people speaking.
15 16 17 18 19 20 21 22 23 24		16 17 18 19 20 21 22	this case.  A. Yes.  Q. So, this this deposition today is really just going to be a conversation between you and me, and there should really, at any point, only be one of four people speaking.  A. You said one of four?  Q. At a time. And so, it really will mostly just be a conversation with you and me
15 16 17 18 19 20 21 22 23	TSG Reporting - Worldwide (877) 702-9580	16 17 18 19 20 21 22 23	this case.  A. Yes.  Q. So, this this deposition today is really just going to be a conversation between you and me, and there should really, at any point, only be one of four people speaking.  A. You said one of four?  Q. At a time. And so, it really will

Page 6 Page 7 **CHE** 1 1 **CHE** 2 And, of course, Ms. Dang will be 2 took the oath. So, you're under oath to the same speaking the whole time to translate. 3 extent as if you were testifying in court. 3 A. Yes. A. Yes. 4 4 5 5 Q. And is there -- is there any reason Q. And your attorney, Ms. Ghim is 6 allowed to make objections. б that you can think of today why you wouldn't be MR. YIM: Objection. Instructions. able to give accurate and truthful testimony? 7 7 8 Q. I would ask you to allow me to 8 A. No. finish any question before you answer them, even 9 9 MS. GHIM: I would like to clarify if you think you know what I'm going to say. 10 10 at the outset that there are certain questions A. Okay. 11 as to specifically personal matters pertaining 11 to Ms. Che, where the court is currently 12 Q. And when you have an answer, I'm 12 13 also going to ask, because the court reporter is 13 determining on a protective order that was 14 writing down everything that we say, that you give 14 submitted yesterday, and so, we request that me a verbal answer. So, shrugging and nodding 15 those questions remain until the court has 15 doesn't get noted. 16 contacted us and the court renders a decision. 16 17 A. Yes. 17 MS. KORGAONKAR: So, any objections Q. If there's anything that I say at 18 18 that you make will be noted on the record. any point that you don't understand, you should 19 MS. GHIM: Well, those questions 19 stop me and ask for clarification. And if you 20 that are subject to the determination of a 20 21 don't ask me for clarification, I'm going to 21 protective order she wouldn't be able to assume that you understood what I said. answer until we have a ruling. 22 22 23 23 A. Yes. MS. KORGAONKAR: Well, she can 24 Q. And it's important that you 24 refuse to answer them, definitely, and that understand that you're under oath today. You just 25 will be noted on the record. 25 TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 9 Page 8 1 CHE 1 **CHE** 2 MS. GHIM: But refusing to answer 2 you discussed this deposition with anyone? should not be considered any type of contempt 3 3 4 until there is a ruling. 4 Q. Have you ever taken or -- have you 5 Q. So, I'm not sure that you answered 5 ever been deposed? the question. Is there any reason that you can 6 Oh, no, this is the first time. 6 A. think of today that would prevent you from giving 7 7 First time. accurate and truthful testimony? 8 8 And have you testified in court Q. 9 A. I answered -- well, what was your 9 ever? 10 question? I didn't understand. 10 A. What kind of testifying? MS. KORGAONKAR: Can you read the Have you testified before a court 11 11 Q. 12 question back? 12 of law? (The requested portion of the 13 13 You mean as a witness or something? 14 record was read.) 14 No, it never happened to me. 15 A. No, I do not have. 15 As a witness or for any other 0. 16 Q. Are you taking any medications or 16 reason. anything that would impair your ability to 17 17 Α. Yes, I did. testify? 18 Okay. And when was that? 18 Q. 19 19 I think it has been about two A. No. A. 20 Q. Okay. Thank you. And did you meet 20 years, yes. with anyone to prepare for today's deposition? 21 21 Q. And did you -- were you a party to A. For today? 22 22 a lawsuit? Q. Yes. 23 2.3 A. No, not like that; not like that. 24 A. No, no one. Someone did not have a legitimate identification, 25 Q. And other than your attorney, have so I was asked to do something for that person; TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 10 Page 11 **CHE** 1 **CHE** 1 2 2 nothing else. newspaper myself. 3 Q. And you testified in court pursuant 3 Q. And who is the person who told you to that matter? 4 4 about it on television? 5 5 A. No. MS. GHIM: Objection. Relevance. 6 6 Q. Okay. Have you ever been a party A. My sibling, my younger sibling told 7 7 to a lawsuit? me about it. 8 A. No. No. Never happened to me. 8 MR. YIM: Objection. Translation. 9 9 Q. Thank you. Q. So, this is the first time that you 10 When did you first become aware of 10 learned about this. Did you talk about it with this litigation that's happening now? 11 anyone else after it? 11 A. From someone, like a kind of rumor. MS. GHIM: Objection. Relevance. 12 12 13 Q. A rumor? And who told you that 13 A. With whom? 14 14 Q. With anyone. rumor? 15 A. Well, I never talked about it --15 A. It was written in the newspaper, as I'll answer to only your question. well as talked on TV. Many times it was already 16 16 Q. So, I'm not clear on your answer. 17 talked about. 17 Did you speak with someone else about it? 18 Q. And which newspaper or television 18 19 station do you recall what it might have been? 19 MS. GHIM: Objection. Relevance. A. Korean Daily News talked about it. 20 A. No, I did not. 20 Q. And is that a newspaper -- I'm not 21 Q. So, are you familiar with the suit 21 22 familiar with it -- or a television show? 22 and what it's about? A. As for TV, I was told through 23 2.3 A. I just learned about it; just another person, but I read myself a newspaper. 24 lately. That's Korean Daily News. Yes, I read the MS. GHIM: Objection. The question 25 TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 12 Page 13 1 **CHE** 1 **CHE** 2 2 assumes facts not in evidence. ago. 3 Q. And have you read either the 3 Q. And do you see her --4 complaint in this case or the answer to it? 4 A. Well, we can see each other. I do 5 A. You mean the complaint that you not remember exactly when it was, but I saw her a 5 6 sent to me? 6 few days ago. 7 Q. No, the complaint that we filed 7 Q. And how often do you see Ms. Lee? 8 A. Oh, I don't see her often, but 8 with the court. 9 A. Yes, before I read it, and I went 9 not -- not often, just occasionally. 10 Q. Would you say that you see her more 10 to court once. Q. Okay. And did you discuss this or less once a week? 11 11 12 suit with lawyers who didn't represent you? 12 MS. GHIM: Objection. Redundant. 13 13 No. Asked and answered. Α. 14 And do you know a woman named Susan 14 Do you see her more or less once a Q. 15 Lee? 15 week? 16 Yes, I know. 16 A. Not that much, no, I don't see her Α. 17 Q. Have you discussed this lawsuit 17 once a week. We don't have a regular meeting. with Ms. Lee? It's just once in a while we get to see each 18 18 other. It's not a regular meeting, but we meet to 19 A. You mean, about this litigation? 19 20 Q. Yes. That's right. discuss about the business. I think it was at the A. Well, I never discussed this end of March. I think even before that -- oh, no, 21 21 litigation with her. Not about the litigation. 22 after that, probably early April. 22 23 Q. And when was the last time that you 23 Q. And which business are you 24 saw Ms. Lee? 24 referring to? 25 A. Well, I could see her a few days 25 MS. GHIM: Objection. Assumes TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 14 Page 15 **CHE** 1 1 **CHE** 2 facts not in evidence. 2 named John Lee, he also goes by the name of 3 A. We would talk about the -- the nail 3 Qixing, Q-I-X-I-N-G, space, Lee? MR. YIM: Objection. Foundation. 4 salon. 4 5 5 MS. GHIM: I'm objecting. Assumes Q. And which nail salon? 6 MS. GHIM: Objection. 6 facts not in evidence. MS. KORGAONKAR: You can answer the 7 7 (Discussion off the record.) 8 question. 8 Q. Have you ever gone by any other 9 O. Diva Nail Salon? 9 names other than Ying Ai Che? A. For what purpose? 10 A. Yes. 10 O. And where is that nail salon Q. For any purpose. 11 11 A. No, not at all. Nothing else 12 12 located? 13 A. 240 something on Grand Avenue. 13 since -- I didn't know a Che since I came to this 14 0. Is it a salon at 240 Glen Head 14 country. Road? 15 And when did you come to this 15 Q. A. Maybe so. 16 16 country? Q. I want to be clear before we 17 17 A. You mean to the USA? It was in continue, that when I ask you any questions about 2001. 18 18 a person named Susan Lee, I understand that she 19 Q. Okay. Have you ever gone by the goes by the name Guining Cui, G-U-I-N-I-N-G, name Nancy Chen? 20 20 MS. GHIM: Objection. Redundant. 21 C-U-I. 21 So, if I refer to "Susan Lee," I 22 22 Asked and answered. mean that person as well. 23 A. After I came here, and also when I 23 24 A. Yes, I understand. was working for the nail salon, I was called as 25 Q. And if I ever refer to a person Nancy Che. TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 16 Page 17 1 **CHE** 1 CHE 2 2 answer to all those questions? So, I have to Q. And were there any other names that answer or talk about my history to be in this you went by at the salon? 3 4 A. Nothing else, just constantly 4 country, my home address, my children, my husband, 5 information to you, today? 5 Nancy. 6 Q. We're just getting your general 6 Q. And where do you live? What's your background for the record. So, I'm sorry, this is 7 home address? 7 not any kind of criminal questioning. These are 8 A. You mean by current home address? 8 Q. Yes, that's right. 9 all background questions for the record. 9 A. Why are you required to inquire 10 MS. GHIM: Until the court makes a 10 about my home address? 11 determination, she doesn't have to divulge her 11 12 Q. This is just for the record. 12 personal information. 13 MS. GHIM: Objection. Personal 13 MS. KORGAONKAR: You're free to 14 information is subject to a protective order. 14 make any objections and they will be noted on 15 MS. KORGAONKAR: Go ahead. I 15 the record. 16 16 didn't hear what you were saying. MS. GHIM: I'm going to instruct my 17 client not to answer until the court makes a 17 MS. GHIM: I'm going to instruct my 18 client not to answer that question, until the 18 determination. So, we can call the court 19 19 court makes a determination on the protective now --20 order. 20 MS. KORGAONKAR: If you want to 21 21 call the court now, and bother Judge Wall for A. Okay. May I talk now? O. Yes, please do. 22 22 23 A. When I just sit here, it looks like 23 MR. HAN: She's required to answer the protective order under restricted New York 24 I was being questioned as sort of a criminal. And 24 your questioning and home address, I have to 25 TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 19 Page 18 1 **CHE CHE** 1 2 2 A. I think you should know that I work MS. KORGAONKAR: She's required to 3 answer the questions and your objections. 3 at a nail salon now. MS. GHIM: She's not required to 4 4 Q. Okay. And which nail salon? 5 5 A. That's Diva Nails. answer the questions until the determination of the protective order. 6 O. And that's the same Diva Nails at 6 7 7 MS. KORGAONKAR: That's just not 240 Glen Head Road? 8 accurate, Ms. Ghim. 8 A. Yes. Yes, it is. 9 9 MS. GHIM: I disagree. I think we Q. And do you work there part-time or should go off the record and call the court, 10 10 full-time? 11 which would be reasonable. A. Regardless of part-time or 11 full-time. I'm the owner of that salon now. 12 (The requested portion of the 12 13 record was read.) 13 And since when have you been the 14 Q. Ms. Che, your attorney has 14 owner? instructed you not to answer that question. 15 A. From the 1st of April as your 15 Are you refusing to answer the 16 formal -- I mean, a real owner. 16 Q. What do you mean by "real owner"? 17 question? 17 MS. GHIM: Objection. Leading. A. No. Well -- when I'm sitting here, 18 18 and since you're giving me all these personal 19 Assumes facts not in evidence. 19 questions that way -- since you're just inquiring 20 A. I think your question try to 20 too much about my personal things, I'm kind of a 21 leading me. I know that you know everything about little embarrassed. I thought you would just talk it, so I'd like to ask you to give me just direct 22 22 23 23 about the lawsuit. questioning. 24 Q. Okay. So, where are you currently 24 Q. I'm not trying to lead you anywhere. I'm really trying to understand the 25 25 employed? TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 20 Page 21 1 **CHE** 1 **CHE** situation. So, my question is what did you mean 2 2 because I didn't really work there. when you said that you've been the real owner 3 3 Q. Okay. And what did you do before 4 since April? I'm not sure what you mean by "real 4 April 1st? owner." 5 5 MS. GHIM: Objection. Relevance. A. Before that, I didn't work for that 6 A. I wish you don't question me this 6 7 nail salon. I go there to work every day from 7 way, using leading questions. You know April 1st, and as an owner for now. everything, so --8 8 9 Q. And when you said that you were the 9 Q. I don't know everything, Ms. Che. real owner as of April 1st, what do you -- I 10 I wish I did know everything, Ms. Che. 10 really don't understand what you mean by "real 11 MS. GHIM: Objection. This is 11 covered under the protective order. 12 owner." 12 13 Q. I just want to know where you were 13 MR. YIM: Objection. Asked and 14 answered. 14 employed before April 1st. 15 MS. GHIM: Objection. Redundant. 15 A. Well, I was not employed at all THE WITNESS: So, what should I 16 16 before April 1st. O. Okay. Thank you. 17 17 18 MS. KORGAONKAR: Could you read 18 So, when did you start working in 19 back the question, please? the nail or spa industry? 19 (The requested portion of the A. I start working for my first year 20 2.0 21 record was read.) 21 after I arrived here. A. Okay. Well, before -- I didn't O. "Here" in the U.S.? 22 22 work at that nail salon before April 1st. I didn't 23 2.3 A. Yes. Yes. manage that nail salon before that. So, what I Q. So, just so I understand, you've 24 meant was that I was real owner up to that time started working in the nail industry in about TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 23 Page 22 **CHE** 1 **CHE** 1 2 2001? 2 thick interrogatories, so you should know 3 3 everything. A. Yes, I learned that. Q. And what are some of the different Q. Like I said before, Ms. Che. I 4 4 don't know everything. I wish I did. I'm trying 5 positions that you've had in the past eight years? 5 MS. GHIM: Objection. Relevance. 6 to get some background information about the 6 MR. YIM: Objection. Foundation. 7 different positions that you've held in different 7 8 MR. HAN: Just to clarify, you're 8 nail salons through the years. 9 only entitled to object when your privilege is A. Well, I think there are so many 9 at stake. Otherwise you're supposed to things that you'd like to know about something. 10 10 11 observe. So, it's sufficient when Ms. Ghim 11 Well, what is the purpose or what is good for you to question where I worked before and what I did 12 objects. That's directed to Mr. Yim. 12 13 MR. YIM: I'm entitled to make 13 before? 14 objections. If you have a problem with that, 14 Q. It's not to pry into your background. This is pretty standard for 15 call the Judge. 15 16 MR. HAN: When your privilege is at 16 depositions. 17 17 So, I realize that I think you said stake. 18 Q. Do you remember the question, earlier that you've never been deposed before. I 18 completely sympathetic to the fact that it's a new 19 Ms. Che? 19 experience for you. But finding out just a brief 20 20 MS. GHIM: I'm going to direct my 21 client not to answer, that's personal 21 overview of the different positions that you've held before, and the different employments is 22 information again, subject to a protective 22 23 order. 23 pretty standard background information. I'm not 24 A. If you just give me a district 24 trying to pry. question about this matter. You already sent me 25 25 These aren't trick questions, TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 24 Page 25 1 **CHE** 1 **CHE** 2 2 A. I feel like you're trying to trick Ms. Che. me with that question. Is it really important? 3 A. I do not wish to answer to your 4 such questions, but I'd like you to move to 4 You want to know about something. Is that really 5 another question. 5 important? Q. So, I want to ask you about what 6 6 Q. It is important. 7 happened on April 1st. 7 A. That fact that I start working there from April 1st, that's really important to 8 MS. GHIM: Objection. Ambiguous 8 9 you? 9 question. 10 10 A. I just went to work. Q. Well, the question is: When did Q. So, you became the owner of the 11 the ownership of the salon get transferred to you? 11 12 salon in Glen Head as of April 1st. 12 A. I think when I start work at the Is that right? nail salon, that's the real ownership start. 13 13 14 A. Yes, I start working there. As I 14 Q. So, on which -- strike that. 15 told you, I just start working from that day for 15 Who transferred the salon to you? that nail salon. Don't ask me repeatedly. A. Susan was the former owner. 16 16 Q. Okay. And when did you become the O. And is she the one that transferred 17 17 18 owner? it to you? 18 MS. GHIM: Objection. Asked and MS. GHIM: Objection. Redundant. 19 19 A. Yes. Who else? He was the 20 answered. 20 21 21 A. What was it? original owner. 22 MS. KORGAONKAR: Can you repeat the 22 Q. And where did that transfer take 23 23 place? question? 24 (The requested portion of the 24 MS. GHIM: Objection. 25 25 record was read.) A. What kind of process? TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 27 Page 26 1 1 CHE **CHE** 2 Q. The transfer of the salon. 2 When I was with the Jung Ho Kim at his office, we 3 3 did something before. A. That should be written in some Q. What did you do before? 4 document. We went to the salon, Jong Ho Kim. We 4 5 MS. GHIM: Objection. Ambiguous 5 went there. 6 6 Q. And when was that? question. 7 7 A. That was this spring when we went A. Well, I expressed that I wanted to 8 to see him as a lawyer. 8 own that business. 9 9 And do you remember the date, more Q. You expressed that to Susan Lee? Q. 10 MS. GHIM: Objection. Leading. 10 or less? A. Anywhere. I start working before 11 A. Anyway, I went to see the lawyer 11 April 1st, so it should be done before that day. and I expressed that I want to get transferred. 12 12 13 Q. How long before April 1st 13 Q. And approximately how long was that approximately? How is it that you and Ms. Lee 14 14 before the time that the transfer actually took went to this attorney's office? 15 place? 15 16 A. I would say about 15 days; 15 days. 16 MR. YIM: Objection. Foundation. Q. And was anyone else present? A. Quite a while before that. It 17 17 18 A. No one else. could be last August, so almost half a year. 18 Q. So, how much did you purchase the 19 19 Q. Okay. A. Almost half a year before. 20 20 salon for? 21 A. Later it was a \$108,000. 21 Q. Okay. And what was the agreement made between you and Susan Lee about the 22 Q. And what do you mean by "later"? 22 A. I think you know everything, but 23 23 transaction? 24 when I said later was -- the reason I added later 24 MS. GHIM: Objection. Foundation. was -- we did something already before that day. 25 Assumes facts not in evidence. TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 29 Page 28 1 **CHE** 1 CHE 2 A. What do you mean? 2 before the transfer of how -- of how money would 3 Q. For example, what -- strike that. change hands, for example? 3 4 A. I'm waiting for your question now? 4 MS. GHIM: Objection. Compound 5 O. How did you agree to structure the 5 question. 6 6 transaction? A. You mean with Susan? MS. GHIM: Objection. Assumes 7 7 Q. That's right. 8 A. It's done through the lawyer. 8 facts not in evidence. That's what I believe, was a formal transaction 9 A. You mean about the business 9 10 through the lawyer. 10 transaction? 11 Q. And did any -- did any money change 11 Q. Exactly. That's exactly right. 12 A. So you're questioning in which way 12 hands? Did you exchange money for the we agreed to sell or buy the business. Right? transaction? 13 13 14 Q. That's right. 14 MS. GHIM: Objection. Asked and 15 A. Anyway, I still have money to get 15 answered. paid from Susan. 16 A. We didn't have any monetary 16 Q. So, how is the transaction exchange for this business transaction. At the 17 17 structured? What was the agreement? beginning, since Susan told me that she was having 18 18 hard time with the business, so I loaned some 19 MS. GHIM: Objection. Asked and 19 2.0 answered. 20 money to her. A. You mean the contract conditions? 21 Q. Okay. And when was that? 21 A. That was right after she started Q. Exactly. 22 22 23 A. We didn't have no agreement, but 23 the business. I believe that was the spring of this before I bought the business. 24 2005. 24 25 25 Q. So, you had -- you had no agreement Q. And how much money did you loan to TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 30 Page 31 1 **CHE** CHE 1 2 2 Q. Are they written records? Ms. Lee? 3 A. Whenever I loaned her money four 3 A. For the following two years I gave her \$120,000 altogether. times. I wrote each one. 4 4 5 5 Q. I don't think I understand. You Q. And where did you write it? 6 A. That kind of a paper with some gave her \$120,000 at one time? 6 writing; a lined one. Well, when I loan such a 7 A. No. No. For over four different 7 8 8 big money, who wouldn't take down. times. 9 O. That makes sense. Do you still 9 Q. "Over," meaning more than four have those records? 10 times or greater? 10 11 A. Because I loaned all that money, 11 A. No, at four different times. 12 Q. Okay. And do you remember when 12 everything on a contract that was to be 13 those times were? You said that it started in the 13 transferred to under my name through the lawyer. Q. And do you have -- do you still 14 14 spring of 2005. have those notebooks or the lined paper where you 15 (The requested portion of the 15 16 record was read.) 16 kept the record? 17 A. Yes, I can recall just 17 A. Well, what I'm saying is, since approximately when they were. One time was in it's all done through the lawyer, and I didn't 18 18 spring of 2005, and the second time was in the think I needed to keep those records, so I just 19 fall of the same year. And the following year, 20 discarded them. 20 21 the third time, I believe that was summertime and 21 Q. Well, were these records that you 22 the fall in the same year. 22 said you wrote in a notebook like this one, were Q. Did you keep any records of the 23 those loans administered through a lawyer? 23 amount that you gave her each of these times? 24 24 A. I expressed to the lawyer that 25 since I made such a big amount of loan to her and 25 A. Yes, I had. TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 32 Page 33 1 CHE 1 **CHE** many in some trouble, the business was in trouble, 2 2 Susan Lee? Α. Susan Lee, yes. I just asked to transfer the ownership under my 3 3 4 4 I believe that Susan Lee thinks name. A. 5 5 Q. But maybe I'm not stating this that way. 6 correctly. 6 Q. Do you think that Susan Lee owes 7 The question is in each of those 7 you money? 8 four times that you loaned money to Susan Lee, you A. Well, actually, the original 9 stated that you had records. Do you still have 9 contract amount was 135,000, but since the 10 those records? business was down already, I request to lower the 10 11 MS. GHIM: Objection. Asked and price as \$108,000. So, I just thought that was 11 12 answered. 12 compensated, what she owed me. 13 13 A. I didn't even show those records to Q. You had stated previously that she 14 the lawyer but, after all done, I threw away. 14 owed you \$120,000. 15 Q. After what was done? 15 A. Yes, she borrowed \$120,000. A. The contract, the contract to have 16 16 Q. So, did she pay any of it back to vou outside of the salon transaction? the ownership under my name. 17 17 18 Q. So, I don't understand why you To? 18 A. 19 threw them away if you previously said that Susan 19 Ο. To you. 20 Lee still does owe you some of that money. 20 Susan did something to me, paid A. 21 MS. GHIM: Objection. Leading. 21 something extra to me? A. Because we just concluded that Q. My question is besides the 22 22 23 transaction. 23 transaction of the salon, which was worth 24 Q. But does Susan Lee still owe you 24 \$108,000 -some of the money that she borrowed? 25 A. Yes. TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 35 Page 34 **CHE** 1 **CHE** 1 2 O. -- did she pay back any of her debt 2 \$12,000 that Susan Lee still owes to you? 3 to you in a different way? 3 A. No, I don't have that. Let me 4 4 A. Probably. I think she paid for explain. If I knew things were coming out this insurance. I think so, as I remember now. 5 way, I could just kept that record. And, also, I 5 could demand her to pay back \$12,000. The reason 6 O. For insurance for what? 6 7 A. That was paid for the business 7 I did what I did is Susan financially -- anyway, 8 insurance, I think so. she's in difficulty now since she and her business 9 9 Q. So, if I understand correctly, in trouble, and she couldn't pay me back. So, I suggest to take over her business. That's why I 10 please tell me if I'm not getting this right. 10 11 You stated that between spring 2005 11 didn't ask about that, that once she offered 12 and the fall of 2006, Susan Lee borrowed money 12 originally 135,000 for that business, but I 13 from you at four different times that totaled 13 already use \$108,000 so I didn't want to demand 14 about \$120,000? 14 for the balance. A. Yes. 15 15 O. You said that after the transaction O. And then she transferred the salon 16 of the salon, you threw out the records that you 16 17 to you in the spring of this year that was worth 17 had of Susan Lee's debt to you. Is that right? \$108,000. If my math is right, there's a missing 18 MS. GHIM: Objection. Asked and 18 19 19 \$12,000. answered. 20 20 THE INTERPRETER: How much was O. What kind of records are you 21 missing? 21 referring to? You said that you kept records on a 22 MS. KORGAONKAR: 12,000. 22 notebook of lined paper referring to the loans of 23 Q. That she must still owe you? 23 Susan Lee, and after the transaction you threw 24 Yes, that's correct. 24 them out. Is that right? 25 25 MS. GHIM: Objection. Asked and O. And do you have records of the TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 37 Page 36 1 **CHE** 1 **CHE** 2 2 to pay you back? answered. A. From 2007 I kept asking her to 3 A. Yes, that's correct. 3 return the money. She kept saying I would do, 4 Q. At that time when you threw them 4 out, you were aware of this litigation. 5 repeatedly, but actually she did not. 5 6 6 Q. So, if I understand you correctly, Is that right? you loaned her this money, you kept asking for 7 A. No, I didn't know this was going to 7 8 develop this way. If I knew this was coming, I 8 your money back, and she never gave it to you? 9 A. No, she did not. She just told me 9 wouldn't do that. 10 10 that she would pay later, and later on that. Once I was aware of the protest by 11 Q. And when she agreed with you to 11 the workers for the business --12 THE INTERPRETER: I have to ask to 12 transfer the salon into your name to discharge the 13 debt, she didn't tell you about this litigation. repeat it again --13 14 A. I wanted to take over the business. 14 Is that correct? MS. GHIM: Objection. Assumes 15 Q. Why did you want to take over the 15 16 business after the protests? facts not in evidence. Foundation. 16 17 A. Because I couldn't get paid from 17 A. She didn't say that to me, but I learned about that in the newspaper. 18 her. 18 Q. After the transfer or before? 19 Q. From whom? 19 2.0 A. From Susan, that I loaned to her. 20 A. I learned that before, and I 21 thought maybe I never get paid from her, and 21 If I had known that Susan was this kind of a 22 that's why I wanted to have that business under my 22 person, I wouldn't have loaned her the money. I 23 kept asking her to pay back the loan, but I was 23 name. 24 having a hard time. 24 I mean, for me, I had the workers 25 25 Q. And when did you start asking her doing some protest and having hard time TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 38 Page 39 **CHE** CHE 1 1 2 2 financially. It's a headache. And I gave her difficult for interpreter to interpret this 3 loan like this. I never loan money like this. 3 witness because she has certain accent and It's a headache to return my money, dialects, and also speed, which is not from 4 4 standard Korean. Î believe she's from China. but she didn't, and she said she would do it later 5 5 6 on, later on. Never happened. 6 And I've been interpreting Chinese Korean 7 She never mentioned about the terms over the years. Still, this is a lot 7 8 travel for that business to me. And when I asked 8 harder than all those witnesses from before. her about this issue, when I asked her, there's 9 MR. HAN: Just to clarify, though, something that happening to the business, and how 10 the statements that you've made on behalf of 10 11 did you find this, and I was told by someone else. 11 her have been what you understood her to say, Q. And when did she ask you that? even though it's been difficult? 12 12 A. Either way. I told her later on. 13 13 THE WITNESS: It's been difficult, 14 THE INTERPRETER: I'm sorry. I 14 but I've done my best. That's why I have to ask her to clarify a certain word. That's not 15 can't understand when she speaks fast and long 15 16 with a dialect. 16 real standard Korean. 17 Q. I ask you to try to help our 17 MR. HAN: If you don't know what 18 translator, that you try to speak a little bit 18 she's saying, you should clarify. 19 slower. 19 THE INTERPRETER: So, should I ask your permission every time since? 20 20 A. We have some break. I need the 21 ladies room. 21 MS. KORGAONKAR: I'm comfortable 22 22 with your judgment. We'll ask Ms. Che, for (Recess taken.) 23 THE INTERPRETER: The interpreter 2.3 the benefit of our interpreter, if we just 24 has a statement. As I spoke just before the 24 speak a little bit slower, because she's break, when we were off record, it's been 25 having trouble. 25 TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 40 Page 41 1 CHE 1 **CHE** 2 MS. GHIM: I would just like to add 2 mistaken --3 if the interpreter does not know what she's 3 MR. HAN: Let's be really clear saying, asking her to clarify, it's not going 4 4 here. If you don't understand, you don't have 5 5 to work. You're asking her to clarify what to say anything. That's fine. We're agreeing 6 she doesn't understand. If she'll just note 6 on that. for the record. 7 MS. GHIM: If you don't understand? 7 MR. HAN: If she doesn't 8 8 MR. HAN: We'll leave it up to you. 9 If you don't understand, make it clear to us 9 understand, I don't think she needs to say 10 anything. 10 that you don't understand. You can ask a 11 clarifying question, make clear. 11 MS. GHIM: Because my client isn't 12 12 THE INTERPRETER: Ask each time making a statement. 13 MR. YIM: She doesn't have to say that I need to clarify with the witness or 13 anything more than "I don't understand." 14 not? 14 15 MR. HAN: Don't translate anything 15 MS. GHIM: Okay. 16 MS. KORGAONKAR: And I think if I'm 16 that you don't understand. If you do 17 17 understand, if you translate it, we'll assume not mistaken, and correct me if I'm wrong, 18 that you did understand. Ask her to clarify 18 that part of what you said with the difficulty 19 19 was accent and speed. it. 20 THE INTERPRETER: Yes. 2.0 MS. GHIM: Clarifying isn't going 21 to resolve the situation. If she doesn't 21 MS. KORGAONKAR: So, to the extent 22 22 understand, she doesn't understand. that Ms. Che can repeat something, that's 2.3 MR. HAN: Let's leave that up to 23 fine. 2.4 24 MR. YIM: If she asks her to repeat her. 25 25 or slow down --MS. KORGAONKAR: If I'm not TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 42 Page 43 1 **CHE** 1 CHE 2 2 MS. KORGAONKAR: But as opposed to A. No. 3 3 Q. Do you remember approximate amounts just did you understand what I said --THE INTERPRETER: And if you make corresponding to the approximate four times? 4 4 5 it shorter each statement, it will be helpful. A. Yes, I do remember. Yes. 5 6 Q. So, could you just tell me how much 6 MS. KORGAONKAR: If you could just 7 it was each of the four times? 7 translate to Ms. Che that we're going to go a 8 little slower. 8 A. The very first one was -- which one 9 9 A. Yes. you requested in spring, that was for \$50,000 I paid for her. 10 Q. Before we broke, we were talking 10 about your loans to Susan Lee. 11 Q. And just to be clear, that was 11 12 A. Yes. 12 spring 2005? A. Yes. That was \$50,000 at the time. 13 Q. And you said that starting in the 13 14 spring 2005 that you made a series of loans to 14 Q. Okay. Continue. 15 A. The same year fall, fall in the 15 16 16 same year, I gave her \$30,000. Next time, which A. Yes. Q. Now, in what form did you make is the time I gave her \$20,000, it was 20 each 17 17 those loans? 18 time, and \$40,000 the following year. 18 Q. I'm sorry. The third time was 19 A. I just wrote down in that kind of 19 20,000. And was that the summer of 2006? notebook how much I loaned her. 20 20 21 Q. And what I meant by "form" is I 21 A. Yes, once in summer, and then a meant was it cash or check? 22 22 time in the fall. 23 23 Q. Okay. Thank you. A. It was in cash. 24 Q. So, were each of the four loans for 24 Where did you take the cash out from? That's a lot of cash. 25 25 about the same amount? TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 44 Page 45 1 **CHE** 1 **CHE** 2 MR. YIM: Objection. Commentary. 2 recall at all. MS. GHIM: Objection. 3 3 Q. Do you generally loan money to 4 A. What I'm saying is I would answer 4 other acquaintances? 5 when you inquire about where's the cash from, but 5 MS. GHIM: Objection. Overly I feel it's very unfair to me since I'm being 6 broad. I'm going to instruct my client not to 6 questioned with these kinds of questions. answer, and this is personal information and 7 7 O. Well, I don't mean the source of 8 8 subject to the determination of the protective it. Was it from the bank itself or from an ATM? 9 9 order. 10 A. What happened was the Chinese 10 A. I think so, too. people has a tendency to keep money at home rather 11 11 So, are you refusing to answer the Q. 12 than at bank. 12 question? Yes. I don't want to answer that 13 We had a source of money, since I 13 14 worked, as did my husband, and as did my two 14 kind of question inquiring if I loaned to other 15 daughters. So, we had some money at the time. 15 people. And our Chinese, they don't like to put money in 16 MS. KORGAONKAR: I'm going to ask 17 bank. We just keep money at home. That's our 17 Ms. Ghim that you not coach your witness. 18 habit. Sorry. 18 MS. GHIM: I didn't coach her. Q. There's no need to apologize. 19 19 MS. KORGAONKAR: Through your 20 Thank you. 20 objections you are. It's clear because she's 21 21 So, did you give Susan Lee a copy using your same language. of the records of these loans that you kept for 22 MS. GHIM: I made an objection. 22 23 vourself? 23 MR. YIM: She stated grounds. 24 A. I do not recall if I gave her any 2.4 MS. GHIM: I stated grounds for my copies from those kinds of records. I do not 25 objection. That wasn't coaching. TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 46 Page 47 1 **CHE** 1 CHE 2 Q. So, would you know of any record 2 Q. And which business is this? besides your own that were kept of these loans? 3 The business that we're talking 3 A. No. 4 4 about. 5 5 Q. And did you ask for interest on the 0. The business at Glen Head Road? 6 6 Yes. Yes. It is. loans? A. 7 7 Q. So, she needed this -- I'm just A. Well, at the time she was whining 8 and whining because the business was in trouble, trying to clarify. She needed this money from you and I was sympathetic with her. I'm kind of --9 in the beginning for the business because it was I'm kind of a mild person. So, we didn't think 10 not doing well? 10 11 about talking about the interest. I just wanted 11 A. She was really having hard time 12 to help with her. 12 because she had some money, but it was not 13 Q. Did you ask her what she was going 13 sufficient to open that kind of big business. 14 to use the money for? 14 And, also, she could not get the permit from the authority, but had to pay the rental every month A. Yes, I did. Yes. 15 15 Q. And what was she going to use it 16 without operating the business. 16 Q. Which permit was it that she 17 for? 17 18 18 couldn't get? A. First, she said why she would just A. As far as I was told, she could not 19 open the business. She was having hard time. And 19 also she had debts to someone else, so I helped 20 20 get the permit because of an electrical matter or 21 her out. 21 something else. And that's what I heard, especially the electrical matter. 22 Besides that -- oh, actually, the 22 23 MR. YIM: Objection. Move to 23 first of nine months is since she opened the 24 business, she had to pay rental, but she actually 24 strike. Hearsay. 25 25 could not operate the business. Q. So, when -- at the time that you TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 49 Page 48 1 **CHE** 1 **CHE** 2 2 thinking really I have to give -- make this loan made the first loan to Susan Lee in spring of 3 to her or not. I was kind of hesitating but I 3 2005, how long had you known her? 4 MS. GHIM: Objection. Asked and 4 felt that I already gave her a loan. Frankly 5 5 speaking, at the time I felt that I would be able answered. 6 6 to get money back since she had the business. And A. How long was it? I think I start during that period of time -- since I already gave 7 being acquainted with her from 2003. 7 her a loan, I didn't want to stop. And I believe 8 Q. And how well would you say you knew her between 2003 and the first loan? 9 that she could pay me back because she owned a 9 10 business. I thought that I could get her business 10 A. I think she was working at a restaurant, and that's when we got known to each 11 in case. 11 other. When I saw her the first time, I thought 12 Q. And when you became worried about she was kind of conservative and a decent person. 13 whether she could pay her back, did you approach 13 14 And she used to call me big sister, sister, and 14 her about it? 15 she was nice to me. 15 A. Yes. So, from the year 2007 I start asking her for money back. 16 Since we got acquainted that way 16 already. And when I learned that she was hard O. But not before 2007? 17 17 18 time, still she was very friendly, calling me a 18 MS. GHIM: Objection. Asked and big sister, sister. So, I have -- I feel like I 19 19 answered. 20 had to help her. So, at the time she made me feel 20 A. I just felt comfortable since I 21 so sympathetic because she was having such a hard 21 knew she had a business. I felt comfortable about 22 time with her business, new business, and she was 22 that. crying and whining about it to me. So, I helped 23 Q. What did you say to her the first 24 her that way the very first time. 24 time you approached her about it? 25 A. I said it's already been a while 25 From the second loan, I start TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 51 Page 50 **CHE CHE** 1 1 2 2 since you opened the business, so why don't you her? return my money? That's what I asked her. 3 3 A. I didn't really see her in person, but I talked on the phone. Once in a while I saw 4 **Q.** And what was the explanation that 4 her directly to demand the money back. Now, I 5 you received? 5 6 learned that she is the kind of person who 6 MS. GHIM: Objection. Hearsay. 7 7 A. She promised that she will pay me wouldn't return the money. When she needed my 8 back, since she could get some loan, or she had 8 help for money, and then she was crying and 9 9 something else that she had to spend some money. whining, if she borrowed money that was from me, 10 she should have gave me back money when the 10 She didn't have enough money at the time. Q. What was the other thing that she 11 business was running, at least the part of my 11 12 had to spend money on? 12 money. 13 A. Well, what happened was there was 13 However, she kept making excuses some flood or leaking of water into the business 14 I'll give you the money, some other time premises, so something she needed. That's what repeatedly, but she did not. 15 she said. 16 Besides this matter, I mean, I just 16 17 17 took over her business instead of the loan, but Q. And did you accept her answer to 18 with this kind of situation, I've been having a 18 you that time? really hard time. 19 A. Yes, at the time I accept that; at 19 20 Q. Did your friendship with Susan Lee 20 the time. 21 Q. When is the next time you 21 suffer as a result of all of this? 22 approached her about the money? 22 A. Of course. We came apart, of A. After that, I often asked her to 23 2.3 course. 24 return my money. 24 Q. Is it fair to say that some of the Q. Did you -- how often did you see 25 25 trust between vou has eroded? TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 52 Page 53 **CHE** 1 **CHE** 1 2 MR. YIM: Objection to form. 2 time that you purchased it, did you examine the A. Yes, that's correct. Correct. I 3 3 financial records? 4 think so. I cannot trust her anymore. 4 A. Well, anyway I just took over that O. Do you have any current business 5 business by force, in compensating the loan. 5 relationship with her? 6 MS. GHIM: Objection to 6 7 A. Well, the business, it just became 7 translation. mine now; totally my own ownership. So, I do not (The requested portion of the 8 8 have any -- why should I have any business 9 9 record was read.) relationship with her now? 10 10 (Discussion off the record.) Q. Does Susan Lee work at the salon Q. So, you didn't look over the 11 11 12 right now? 12 financial records of the business when you took 13 A. No. 13 it? 14 Q. Does she ever come there? 14 A. Well, I wouldn't just say that I 15 A. Since I started working at the nail 15 didn't look at the financial records, but what I salon since April 1st, she came in a few times. did was she didn't -- she didn't comply to my 16 16 She visit the nail salon a few times. 17 17 request for money back repeatedly, and some Q. Only to visit or to work? protest outside the business. So I thought maybe 18 18 19 MS. GHIM: Objection. Asked and 19 it's a little risky. I suggest to her, I said if 20 answered. 20 she could not pay back, so I suggest to her -- I 21 asked her to put my name on the business account 21 A. She rarely worked. Since I'm the owner, she just hung around and say hello to the 22 22 at the bank. customers. That's it. 23 23 Q. And when did you ask that? Q. So, going back to when you A. I would say it was around last 24 24 purchased the salon, the business, before that 25 25 August. I think so. TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 54 Page 55 1 **CHE** 1 **CHE** business. 2 Q. So, if you first thought about 2 transferring the salon to your name in August, how 3 3 Q. So, if you could just answer with a come the transfer didn't take place until so much month to help me understand. You asked her to do 4 5 5 it in which month, and she did it in which month? later? 6 6 MS. GHIM: Objection. Compound A. So, since she was not returning my 7 7 money, I suggest that we go to the bank, and we question. 8 went together to the bank to insert my name on the 8 A. When I ask about the business, it business account, and I asked her just to give 9 happened about a half year later. me -- that business to me. 10 Q. So, I really need to know about the 10 11 Q. Could you clarify for me, that's 11 time. Was it about August? A. I think it was around September or what happened in August. Is that correct? 12 12 October I asked her or transferred the business. 13 A. Not long after I asked her to add 13 14 my name under her business account, I ask her to 14 Q. Thank you. That helps. transfer the business to me. So, if it was in the fall, how come 15 15 16 Q. Okay. But if you could just, 16 the actual transfer didn't take place until this before we go on, clarify for me that's what 17 17 spring? happened in August. Is that correct? 18 A. Well, I am trying to say when I 18 MR. YIM: Can we have the question kept demanding her, she was backing up, excusing 19 19 on the landlord. The landlord won't allow this 20 repeated? 21 (The requested portion of the 21 and she refused to transfer that business under my record was read.) name, repeatedly. And she's just talking about 22 the landlord or something else. She kept delaying 23 A. Okay. After she add my name under the business account at bank, it was about one or the transfer. When I asked her now, she didn't have any choice except to transfer the business two months after I ask her to give me that TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 56 Page 57 1 **CHE** 1 CHE 2 after such a delay. I just gave my money away and 2 Q. So, I don't understand. What is why she did it? am having a hard time myself today here. 3 3 4 Q. So, you just said -- and I want to 4 MR. YIM: Objection. Lack of understand what you said -- that she finally 5 5 foundation. agreed to transfer it, when she didn't have a 6 6 A. Well, she yielded the business, as 7 7 choice. What did you mean by that statement? I demanded. A. When I think back now, that's what 8 Because of your demand. Is that 8 Q. 9 9 I learned. When I think back now, oh, that's why right? 10 10 A. Yes, because I demanded it. You she did it. 11 MR. YIM: Objection. Motion to know, when could I get paid the money that I gave 11 12 strike. Speculation. to her? Looking over that situation, I didn't Q. I don't think I understand. have any other person to ask money to. 13 13 14 MS. GHIM: Objection. Ambiguous 14 Q. When did Susan Lee finally tell you 15 question, if that was a question. 15 that she would transfer the salon to your name? A. That was this spring when she A. You give me so many questions, it 16 16 17 makes me confused too. 17 agreed to transfer the business to me. Q. I'm sorry. Q. And how long after she agreed to 18 18 it, did you actually go -- strike that. 19 A. Besides that, I never thought this 19 20 kind of thing happened to me. When you give me 20 How long after she finally agreed questions, I have to think back to think about it. 21 to it, to the time that you finally went to the 21 MS. KORGAONKAR: I understand. 22 22 attorney? 2.3 (The requested portion of the 23 A. Not long after; not long after 24 24 record was read.) that. 25 THE WITNESS: Yes, that's right. 25 Q. Did she seem like she was in any TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 59 Page 58 1 **CHE** CHE 1 2 2 kind of hurry? did something wrong, but I'm having a hard time MS. GHIM: Objection. Leading. 3 3 instead of her. MR. YIM: Objection. 4 4 (Luncheon Recess: 12:21 p.m.) 5 A. She kept delaying about a half a 5 MS. KORGAONKAR: It's now 1:34 and year, about a half a year, and then finally she 6 we're back on the record. I just want to 6 7 agreed to me. Yes. 7 remind you that you're still under the same 8 Q. Did she offer you any reason for 8 oath that you took this morning. 9 9 why she agreed? A. Yes. A. She didn't have any other way 10 Q. Are you familiar with a corporation 10 except to give up the business. And I kept asking 11 entitled J.H. Diva? 11 her to return my money. 12 A. You said J.H. Diva? 12 13 Q. So, you don't -- strike that. 13 Q. That's right. 14 Do you know what changed that 14 A. I'm not that familiar, but when I ask her to add my name for the business, that's caused Ms. Lee to finally agree? 15 15 MS. GHIM: Objection. Leading. 16 when I learned about that. 16 MR. YIM: Objection. Calls for 17 17 Q. Okay. And can you clarify by "her" 18 you mean? speculation. 18 A. I did not say -- I did not tell her 19 19 A. You're referring to the J.H. Diva. to change her mind. I could not change her mind. 20 Q. So, is it correct that the first 20 I just said that since you have a business, I'd 21 time that you heard of J.H. Diva was from Susan 22 like to take the business. 22 Lee? I'm just having a hard time like 23 2.3 A. Yes. 24 this. After I gave loan, she never paid me on 24 Q. And what did she tell you about 25 time and gave me such a hard time like this. She 25 J.H. Diva? TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 60 Page 61 1 **CHE** 1 **CHE** 2 2 A. Well, she didn't directly mention MS. GHIM: Counsel would like to about the J.H. Diva. I knew that business as just 3 view the document. 4 a nail salon. Nothing like J.H. Diva or any kind 4 A. This is correct, that I signed on 5 5 of diva. it. 6 6 MS. GHIM: Objection to MS. GHIM: Just one moment. 7 translation. 7 MR. YIM: Could we have copies of 8 A. Later on I learned the business 8 the marked exhibit? You could wait until 9 9 name J.H. Diva while or after we processed the after. 10 10 transaction. Q. So, do you remember signing that 11 (The requested portion of the 11 document? 12 record was read.) 12 A. Yes. It looks like this was done Q. Just to clarify, you had never when I was with the lawyer. 13 13 14 heard of J.H. Diva before that transaction. 14 Q. If you had never heard of J.H. Diva 15 **Correct?** 15 prior to the transaction, why did you assign the 16 A. I had never heard of it. That was 16 contract of the transaction to that corporation? 17 the very first time that I heard. All I knew was 17 MS. GHIM: Objection to the that she was just running a nail salon. I didn't 18 question. Leading. 18 19 know anything about J.H. Diva or anything. 19 MR. YIM: Objection. Foundation of 2.0 Q. Okay. I'm going to show you a 20 the document. 21 21 document. A. I told you since we agreed to transfer the business, we went to the lawyer's (Che Exhibit 1 marked for 22 22 23 identification.) 23 office during the transferring process. I was Q. Do you recognize that document? told to sign here, so I did it. 24 24 25 25 Yes, the signature is mine. Q. Did you know what signing on that TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 62 Page 63 **CHE** CHE 1 1 2 2 A. I don't know anything. Not a document meant? 3 MS. GHIM: Objection. Foundation. 3 single thing. 4 A. Well, the business was sold at 4 Q. So, do you have no ability to read 5 the English language? 5 \$108,000. What I did was to sign to get the 6 6 ownership of the business. That's how I signed. MS. GHIM: Objection. Asked and 7 7 Q. Did you know, at the time that you answered. 8 were signing it, that you were assigning that 8 A. Not at all. 9 Q. What did Susan Lee tell you about 9 contract to a corporation called J.H. Diva? 10 MR. YIM: Objection. Foundation. 10 J.H. Diva? 11 11 A. Well, I was just told to sign here, MS. GHIM: Objection. Foundation. 12 A. I didn't have any idea about J.H. 12 since I was getting -- since I was buying the 13 business. 13 Diva, even while we were doing something there. 14 I was just asked to signed here to 14 Q. You had previously said that you had never heard of J.H. Diva until after the time buy the business. 15 15 Q. Did anyone explain to you, before of the transfer. Is that correct? 16 16 you signed it, what it was? 17 MS. GHIM: Objection. Misstates 17 A. Nobody explained what it was. I 18 her earlier statement. 18 19 A. Yes. Yes. 19 was not told what it was. Q. Did you ask what it was? 20 Q. So, when did you first hear of it; 20 21 A. I didn't know what was a J.H. Diva 21 on what occasion? or what it was. I just signed to get ownership of 22 MS. GHIM: Objection. Asked and 22 the business that day. 23 23 answered. 24 Q. And are you able to read English 24 A. Well, frankly speaking, even when I 25 language documents? 25 was just signing on here, I wasn't told about this TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 64 Page 65 **CHE** 1 CHE 1 2 2 J.H. Diva or whatever here. I just was told to J.H. Diva? 3 sign to get the ownership of it. 3 A. No, I never been the president 4 Q. Right. We've established that you 4 until this April 1st. I don't know anything --5 5 signed that. MS. GHIM: Objection to 6 My question is: When is the first 6 translation. THE INTERPRETER: What is the 7 time that anyone ever mentioned J.H. Diva? 7 8 8 objection? I'd like to know. MS. GHIM: Objection. Asked and 9 9 answered. MS. GHIM: She did not say that she 10 10 became president on April 1st of J.H. Diva. A. What happened was even though what is this and that -- but I just signed it because I MR. HAN: Let the interpreter --11 11 was getting the business. My current business 12 THE INTERPRETER: She didn't name is Diva Nail. When I tried to change the mention president of J.H. Diva. But she said 13 13 14 business title, it wasn't that convenient for me 14 she never been president until this April 1st. 15 because I had to change even the sign outside or 15 It's different from president of J.H. Diva. something else. So I just kept the first name, 16 Okay. So it's not an inaccurate translation. 16 17 Diva, then changed the later part. That's how I 17 Can I give you a question? I think changed the business name this time. 18 that counsel speak Korean, but she's not 18 19 Q. And what did you change it to? 19 understanding exactly what the witness is 20 A. I kept it at first with Diva Nail. 20 saying. That's my feeling. But since my name, the initial is Y and A, so I 21 MR. HAN: Which counsel are you put Diva Nail YA, Incorporated. Yeah, that's what 22 22 23 happened. 23 THE INTERPRETER: That or whoever, 24 24 Q. So just so I understand, you were both. 25 25 never the president of a corporation called MR. HAN: Let the record show that TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 66 Page 67 1 **CHE** 1 **CHE** 2 you're referring to Ms. Ghim. 2 A. No, not me. 3 THE INTERPRETER: Objection to 3 Q. Now, when you signed that document, translation, but they're not exactly hearing did you understand that signing it on March 19th 4 4 what the witness said. meant that you were selling your interest in the 5 5 6 MS. KORGAONKAR: Your objection is 6 salon to J.H. Diva? 7 on the record. Thank you. 7 A. When I purchased the business --8 MR. YIM: Can we just repeat the you're asking if I understood I was becoming 9 question. Go back and repeat the question. 9 J.H. Diva's president when I purchased the 10 (The requested portion of the business. Right? 10 11 record was read.) 11 Q. No, that's not -- that's not right. 12 THE INTERPRETER: I think that 12 The question is: Did you 13 she -- the witness didn't understand your 13 understand that you assigned the contract by 14 question clearly. 14 signing that document -- strike that. The question is: When you signed 15 MS. KORGAONKAR: I'll repeat that 15 16 question. 16 that document that you have, did you understand that you were assigning the rights of the sale 17 17 MR. YIM: Thank you. Appreciate 18 18 contract to a corporation called J.H. Diva? it. 19 MR. YIM: Objection to form. 19 Q. The question was: Have you ever A. I didn't think seriously. been the president of a corporation called 20 20 21 J.H. Diva? 21 Q. You didn't think seriously about 22 A. No, never. I've never been a 22 what? 23 president for that. 23 A. I thought that was just a 24 Q. Are you the president of any transaction for the business, not thinking that I was becoming a president of J.H. Diva. 25 corporation? TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 69 Page 68 **CHE** 1 **CHE** 1 Can I give you a question? 2 2 company. 3 Q. Sure. 3 Q. Right. And I understand that. 4 A. What is the relationship between 4 My question is: When did you create that corporation? J.H. Diva and me? Why you are questioning about 5 5 this so seriously? A. Oh, well, I start working on this 6 6 Q. Well, that's actually exactly what 7 7 business from April 1st, so -- but I create this -- that name afterwards. I think it was in I'm trying to understand because signing that 8 8 contract gave the salon away. 9 9 May. It was in May. MR. YIM: Objection. 10 10 Q. So who were the incorporators in A. Yes, that's what I understood, too. May of Diva Y.A.? 11 11 12 Q. I don't understand why you gave the 12 A. I did. salon away to a corporation that you had never 13 O. Alone? 13 14 heard of. 14 A. No. I went on that day -- I went 15 MS. GHIM: Objection. 15 there on that day by myself. I did myself and I 16 Characterization. 16 create that name. 17 MR. YIM: Objection. Argument. 17 Q. And what is the principal place of 18 A. Well, I am still not familiar with business of Diva Y.A.? 18 19 the regulation, and I didn't even understand this 19 A. I don't know the clear address now. 20 properly. 20 But if you are in Flushing, there's a public Q. Okay. So you had mentioned a parking lot. There is a place for accountant 21 21 corporation called Diva Y.A. When did you across the parking lot. I went there to make it. 22 22 23 incorporate that business? 23 And so I went there to make this myself. A. Y.A.? I just added myself. I 24 Q. And what is the address of the 24 didn't create for other people. I created my own 25 corporation? TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 71 Page 70 **CHE** 1 CHE 1 2 2 A. It's been always the same, 240. Q. Are there any other officers 3 It's always the same address I had. 3 besides you? MS. GHIM: Objection. Asked and 4 Q. And what is the official position 4 5 5 that you hold within that corporation? answered. 6 6 A. I didn't hear that last part of A. No one else. Q. And are there shareholders? 7 7 your question. MR. YIM: Just repeat the question. 8 8 A. No. 9 9 (The requested portion of the Q. So as president of the corporation, record was read.) do you receive its bank statements and any other 10 10 A. My name, or what is it? You mean mail that it receives? 11 11 the name for the corporation? 12 A. Since I didn't amend the original 12 13 Q. No. I mean your position, your 13 business title, some of the bank statements 14 title. indicated J.H. Diva and some others under my A. I'm the president for that Y.A. 15 Diva H.A. 15 I'm the president. 16 MR. YIM: Y.A.? 16 Q. And are there any other -- are 17 THE INTERPRETER: I'm sorry. Not 17 there any -- strike that. 18 18 H.A.; Y.A. Is there a board of directors? Q. Do you keep the mail received by 19 19 20 20 A. Oh, I have nothing. Diva Y.A.? 21 Q. So there is not a board of 21 A. Yes. If there is some mail, I 22 directors. Is that right? 22 would keep. MS. GHIM: Objection. Asked and 23 Q. And where are they kept? 23 24 answered. 24 A. I keep them at a business -normally at the business. 25 25 A. No. TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 73 Page 72 1 CHE 1 **CHE** 2 Q. And when you receive mail for 2 the business, nothing else. I didn't take that J.H. Diva at that address, do you keep that there seriously like this. So I never pay attention to 3 3 4 also? 4 that kind of thing. 5 A. If it's something from bank, I 5 Q. So when one of the lawyers at the closing asked you to sign that document, you 6 would open. 6 7 Q. And would you keep mail that you 7 didn't realize that it was assigning the contract received addressed to J.H. Diva? 8 8 to J.H. Diva. Is that right? 9 9 A. Yes. I just keep them in a pile in MS. GHIM: Objection. Asked and the business premise if I receive anything. 10 10 answered. I wonder why that is so serious A. That's right. I didn't understand 11 11 thing. Also, I wonder why you asking about if that. Too much for me. 12 12 something I receive under J.H. Diva and if I keep. Q. Do you think -- strike. 13 14 I don't understand why you're questioning about 14 Did Susan Lee ask those lawyers to 15 that. 15 draft that document? MS. GHIM: Objection. Hearsay. 16 Q. I don't understand why you signed a 16 document that gave the salon away to a corporation A. That kind of question should be 17 17 called J.H. Diva. given to Susan Lee, not me. How could I know? 18 18 MS. GHIM: Objection. Q. Did you participate in any 19 19 20 Argumentative. 20 negotiation about the contract? MR. YIM: Objection. MR. YIM: Objection. Asked and 21 21 Argumentative. 22 22 answered. 23 A. You said you don't under -- you 23 A. About the money, the negotiating about the money? didn't understand why. When that happened, I just 24 24 simply thought that just keeping the ownership of 25 Q. Any of the terms. TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 74 Page 75 1 CHE 1 **CHE** 2 MS. GHIM: Objection. Asked and 2 because I signed on here? 3 3 MS. KORGAONKAR: Can I see the answered. 4 4 document. If I read parts of it, will you be A. What I did is just I took some paper where the landlord signed and show them and 5 5 able to translate? ask to process the transferring the ownership of 6 Q. I'm going to read you parts of the 6 the business. So that's why I went there. 7 7 document. 8 And they told me I'm supposed to 8 A. Okay. 9 sign here to get the ownership of the business. O. Item 2 states: 9 That's why I signed that. I signed that. "Contract is assigned from 10 10 11 So is there any problem that I 11 purchaser Ying Ai Che to J.H. Diva Nail and Spa 12 signed it there? 12 Inc." 13 Q. Do you understand now that because 13 And right here it says: "Purchaser J.H. Diva Nail and Spa, of that document, that on March 19th, the salon 14 was not transferred to you; it was transferred to Inc., Ying Ai Che, president." 15 15 16 J.H. Diva? 16 A. So as soon as I signed here, I MS. GHIM: Objection. Foundation. 17 became a president of J.H. Diva? That's what you 17 MR. YIM: Objection. 18 18 meant? 19 O. Why does this contract list you --19 Argumentative. A. Because I signed here, that's what 20 20 strike. 21 happened? 21 A. Because I made this signature by mistake one time, so something is wrong. 22 Q. That's what that document states. 22 23 MR. YIM: Motion to strike 23 MR. YIM: Objection. Foundation. 24 A. I don't know. I don't know. So 24 testimony. It's speculation based on 25 attorney's representations during the 25 what you meant was that I became a president TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 77 Page 76 1 CHE 1 **CHE** 2 2 wise counsel, Ms. Ghim. deposition. 3 MR. HAN: No speaking objections, 3 MS. GHIM: I'm sorry. What? 4 please. Objection to that. 4 MS. KORGAONKAR: I said we just 5 5 MR. YIM: I'm sorry. Are you trust your counsel. That's all. 6 deposing? 6 MS. GHIM: I'll take that as 7 Q. So on --7 sarcasm, counsel. 8 8 MR. HAN: No speaking objections. MS. KORGAONKAR: Not at all. 9 MR. YIM: So are you going on the 9 MS. GHIM: I don't understand what 10 record making a comment? 10 that comment was about. 11 MR. HAN: I'm making a comment on 11 MS. KORGAONKAR: It was a humorous 12 the record that there are no speaking 12 comment. Apparently I'm not funny. MS. GHIM: Yeah. Humorous on your 13 objections, please. 13 14 MR. YIM: So there's two attorneys 14 part at my expense. 15 on the plaintiff's side making objections on 15 MS. KORGAONKAR: Not at all, 16 Ms. Ghim. I'm sorry for the offense. the record? 16 MR. HAN: Please note for the O. This contract -- strike. 17 17 18 record that defense counsel is making 18 MS. KORGAONKAR: I'd like to enter 19 objections duplicative of witness' counsel's 19 as Exhibit Che 2 the Assignment and Assumption 20 objections in every single instance. 20 of Lease dated March 10th. 21 MS. GHIM: That's an inaccurate 21 (Che Exhibit 2 marked for characterization. I did not object to that. 22 22 identification.) Parties have a right to object. He did not 23 23 MR. YIM: We repeat the request for 24 duplicate my objection. 24 copies of the marked exhibits. 25 MS. KORGAONKAR: We just trust your 25 A. What is this? TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 79 Page 78 **CHE** 1 **CHE** 1 2 2 O. Do you recognize that document? A. I signed because -- maybe because 3 No, I cannot recognize this at all. it was assigned to me. The business premise was 3 Q. Can you turn to the signature page 4 4 assigned to me. 5 5 of that. Q. Well, can you read on the -- on the document itself who it's been assigned to? 6 6 A. Okay. This is my sign, too. 7 Q. Do you remember signing this? 7 A. No, I can't. 8 Yes, I do recall that I signed it. 8 MS. KORGAONKAR: Okay. Let the Q. And did you know what you were 9 9 record reflect that the assignee is named as J.H. Diva Nail and Spa. And that under 10 signing? 10 Ms. Che's signature it says Ying Ai Che, 11 A. Well, I have to know what this is 11 12 about before I answer. 12 president. 13 Q. Well, that's my question to you. 13 A. Oh, I see. That means the 14 Did you know what you were signing before you 14 president. signed it? Q. So did you sign both these 15 15 documents? 16 A. Normally I ask anyone to explain 16 17 before I sign. Isn't this the document from 17 MS. GHIM: Objection. Asked and landlord or concerning landlord? 18 18 answered. Q. That's right. Its title is 19 19 A. Yes. Yes. "Assignment and Assumption of Lease." 20 20 Q. And do they both name you as the MR. YIM: Objection. 21 21 president of Diva Nail and Spa? Argumentative. Speculative. MR. YIM: Objection. 22 22 23 A. So it's assigning to me? 23 Misrepresentations. 24 Q. Well, can you -- can you read from 24 A. Whether it's indicating me as the 25 the signature page the assignee? president or not, what -- the reason that I signed 25 TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 80 Page 81 **CHE** 1 CHE 1 2 2 here was to get the ownership of the business. shouldn't be done this way. That's the 3 MS. KORGAONKAR: Can you read the 3 meaning. 4 4 question. MR. YIM: Okay. She's not asking a 5 5 A. Well, isn't that true that when I question. need to buy premise or business, I should sign to 6 6 THE INTERPRETER: No. 7 complete the transaction? 7 MR. YIM: She's just saying it that 8 MS. KORGAONKAR: Would you read 8 way. 9 9 back the question. THE INTERPRETER: Just express it 10 (The requested portion of the 10 that way. record was read.) 11 MS. KORGAONKAR: Could you repeat 11 A. However, let me tell you again, you 12 12 my question, please. (The requested portion of the said that this document indicated me as the 13 13 14 president of Diva. When I signed here, both 14 record was read.) 15 documents, I understand as just the new owner of 15 A. Yes, that's right. Q. Do those documents indicate you as the nail salon, not for J.H. Diva Nail. 16 16 17 Q. Who -- continue. the president of J.H. Diva? 17 18 A. Shouldn't need the process that I 18 MR. YIM: Objection. Speculative. should take over the existing company if it says A. When I hear the explanation and 19 19 20 J.H. Diva and then change the company's name 20 when I see the document, it was indicated that I whatever? 21 was working as the president. 21 Q. Okay. 22 22 MR. YIM: Is that a question mark? 23 THE INTERPRETER: She's kind of --23 A. However, I never played the role as 24 what do you call that -- just like 24 the president. 25 emphasizing. Isn't that true that the process 25 Q. Who drafted those documents? TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 83 Page 82 **CHE** 1 **CHE** 1 2 2 A. It was not prepared by me. you were the president of a corporation called 3 Q. Was it prepared by a lawyer? 3 J.H. Diva? A. Probably, yeah. I think so. 4 4 A. From Susan? 5 Q. Was it prepared by a lawyer 5 MS. KORGAONKAR: Could you read retained by you? 6 6 back the question. 7 A. Why is this so complicated? Am I 7 A. Yes, I think so. 8 Q. And who is that lawyer? 8 guilty for something? 9 (The requested portion of the 9 A. That lawyer was Jong Ho Kim. THE INTERPRETER: J-O-N-G, H-O. record was read.) 10 10 11 11 A. No, I never said that. K-I-M. 12 Q. Did you ever indicate to the 12 MS. KORGAONKAR: Let's take a 13 drafting attorney that you were the president of 13 break. 14 J.H. Diva? 14 (Recess taken.) A. You mean I did? 15 15 MR. HAN: Before we begin, this is 16 Q. Is that a question? 16 John Han, counsel for plaintiffs, speaking. I'm asking you. I don't know. I'd like to note for the record that defense 17 17 I'm asking you: Did you indicate 18 counsel Michael Yim initiated consultation 18 to him that you were the president of J.H. Diva? 19 with the translator in the absence of other 19 A. If I said so, I should be aware 20 counsel, and the translator voiced objection 20 21 that I was the president of J.H. Diva. 21 to that, Ms. DeRosa. Q. So did you say so? 22 And if I could, I'd like to ask 22 A. No, I did not. I didn't even know, 23 23 Ms. DeRosa what Mr. Yim said to her and what 24 so I couldn't say that. 24 she said in response for the record during the previous break. O. Did vou ever tell Susan Lee that 25 25 TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 84 Page 85 1 **CHE** 1 **CHE** 2 THE INTERPRETER: Should we -- I 2 he was born. He was born in this country, not 3 3 start or -- he shouldn't start because he in Korea. 4 start talking to me, Mr. Yim. 4 MR. HAN: One more note for the MR. HAN: Oh, well, yeah. Why 5 5 record. Please note that the court reporter don't you just tell us what happened. 6 6 was present during this discussion and stated, THE INTERPRETER: During the break 7 7 "I am not comfortable being present in a -- in 8 Mr. Yim approached me and asked if there are 8 a conversation between one counselor and the any other -- there should be some dual meaning 9 9 translator without the presence of other 10 on the language that was spoken by the 10 counsel." MR. YIM: Please also note that I 11 witness, Ms. Che, which was D-O-N-G-S-A-E-N-G 11 in Korean. It's not just other meaning 12 12 wasn't asking her to change her translation. than -- other than younger sibling. So I 13 13 I was pointing out the basis of my objection. explained to him. 14 14 THE INTERPRETER: So the 15 And the language -- what I heard 15 interpreter asks the counsel, Mr. Yim, I 16 from the witness is exactly what I interpret. believe, to make -- just make the -- indicate 16 I cannot interpret the meaning inside such as 17 17 the ground of objection to the translation if 18 it could be interpret as just very close 18 something comes later in the deposition. younger people. We call -- we always -- the 19 MR. YIM: Are you asking me to 19 Korean people used to call each other, if they 20 20 elaborate on the basis? 21 are close, like a sister or a brother. But I 21 THE INTERPRETER: The ground. have no idea. I don't think I'm required to 22 22 Yeah. What is the --23 interpret the meaning other than what I just 23 MR. YIM: Say more than just say 24 24 hear. translation? 25 And also I asked the counsel where 25 MR. HAN: I'd be interested in TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 87 Page 86 CHE 1 CHE 1 2 2 that. Clarify the ground. to see how often it comes up to see whether 3 THE INTERPRETER: The ground. 3 it's disrupting my deposition. Q. Okay. So we're back from the Clarify the ground. 4 4 MR. YIM: No. I'm saying anything 5 break, as we've established. And I'd just like to 5 6 remind you, Ms. Che, that you're still under oath 6 more than translation. 7 MR. HAN: Oh, I thought you wanted 7 to the extent that you would be as if you were 8 to speak right now. 8 testifying in court. 9 9 MR. YIM: No, no. I'm saying, A. Yes. 10 should I explain which words that I object to? 10 O. So I want to turn back to 11 THE INTERPRETER: That's --11 document 1, Exhibit 1. 12 normally we do during the deposition. If you 12 A. Yes. 13 don't think you not agree with the 13 Q. What does this document say 14 translation, normally we clarify on the 14 regarding the purchase price? A. As far as I know, the purchase 15 record. So what is the issue? 15 16 And if something come -- we have a 16 amount was \$108,000. third party to understand. I don't know the Q. The document indicates that at some 17 17 18 Korean language and skill, how much level it 18 other time the purchase price was \$135,000. Is 19 is, but we can discuss. 19 that right? 20 20 MR. YIM: If you're okay with me A. Yes, it is. 21 saying more than translation, identifying the 21 Q. When was the \$135,000 figure agreed specific words where there's dual meaning. 22 22 upon? 23 THE INTERPRETER: It's up to you, 23 A. I don't know when it was. Maybe it 24 24 was around -- something happened later. So I counsel. 25 MS. KORGAONKAR: I think we'll have would say that price was indicated around October. TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 88 Page 89 1 **CHE** 1 CHE 2 MR. YIM: Objection. Foundation. 2 Anyway, it was much earlier than the final price. A. Frankly speaking, I just create 3 It was earlier than that. 3 4 Q. And who agreed around October to 4 that approximated amount based upon what I made the \$135,000 figure? 5 5 loan to her. 6 6 A. Susan and me. We discussed. Q. So why was that amount slightly Q. And did anyone else discuss that 7 more than the amount that she owed you? 7 figure with you? 8 8 A. If I set the exact amount of that A. No, no one else. 9 9 loan with her, I thought she'd probably want to negotiate down. That's why I suggested a little 10 Q. How did you get to that number? 10 A. We were discussing or negotiating 11 higher originally. 11 12 the price. At the time the business was not that 12 Q. Did you ever agree to any price between 135 and 108? 13 great anyway, so at the beginning I agreed to that 13 14 14 A. Well, when we sell and buy that price. 15 But about a half year later we came 15 business we were just using those two amounts. I think at the time of the closing, as far as I 16 up with a new price. So for the second price --16 remember, he paid something for the rental to 17 suggested price, I came up with this because I 17 18 explained to her the business is not in good shape 18 another party to complete -- in order to complete 19 and the economy is not good, so let's do this 19 the closing. 20 price. That's what I suggest. 20 Q. Who paid something for the rental? Q. Were you -- strike. 21 21 A. Susan. At the time that you agreed around 22 Q. And what was it that she paid? 22 23 October to the \$135,000 price --23 A. For rental. MR. YIM: Objection. 24 To whom? 24 0. 25 25 O. -- how did you value the salon? A. I believe that was to the landlord. TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 91 Page 90 1 **CHE CHE** 1 2 Q. And do you recall just -- even 2 relationship and kind of a twisted relationship approximately how much that amount was? 3 3 between us. A. Well, I think it's over \$10,000. 4 4 And I just suggest to her, "If you want to pay, go ahead." That's what I said. It 5 O. How much over? A lot over or a 5 6 wasn't exactly upon some kind of calculation. little over? 6 7 A. In the middle, higher than 10,000. 7 Q. So do you personally consider that 8 Q. And was it the agreement between 8 amount of about \$10,000 that she paid to the you and her that that amount would go toward the 9 9 landlord at the closing to discharge an amount of discharge of the debt also or was that her 10 10 debt that she owed to you? obligation as the seller? 11 MS. GHIM: Objection. Asked and 11 12 MS. GHIM: Objection. Compound 12 answered. 13 question. 13 A. I just assumed and I -- that's how 14 A. Well, I think today's questions is 14 I understood. beyond my imagination. I thought that was very 15 15 Q. When you bought the business, did simple for the transaction. Simply just I took 16 you know that the salon was being protested? 16 17 that business in exchange of the loan. I don't 17 You mean when I was purchasing that know why this is so complicated as I experience 18 business? 18 19 here today. 19 Q. That's right. 20 Q. Did that amount of a little bit 20 A. Yes. That's why I took the 21 over \$10,000 that Susan Lee paid to the landlord 21 business almost by force. go towards her discharge of the debt? Q. Why would you want to receive a 22 22 23 A. We didn't discuss exactly what was 23 salon that had problems? to be paid for the existing debt for the 24 MR. YIM: Objection. 25 MS. GHIM: Objection. Leading. transaction. We already had a kind of distant TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 93 Page 92 **CHE** 1 **CHE** 1 2 2 A. Because I put my money there. And Q. And when you say "a little bit," also, these people working like this today to get 3 what do you -- what do you mean by that? 4 paid. In order to get paid for my loan to her, I 4 A. You know that at the very had to take the business. Where could I get paid beginning, as the new owner I could be -- I could 5 5 6 feel kind of awkward to the existing customers as 6 otherwise? I have lots of damage after this 7 7 well as to existing workers. 8 Q. Did you pay her wages for the time kind of problem with the business. The business 8 9 went down, and I have to waste lots of money for 9 that she worked there? the lawyer's fee. I don't know what's going on. 10 MS. GHIM: Objection. Asked and 10 Q. So when you received the business, 11 11 answered. 12 did you know that Susan Lee and the salon were 12 A. No, I did not pay any wages. 13 being sued? 13 Q. Have you since paid her any wages? 14 A. I didn't know it was in a lawsuit. 14 MS. GHIM: Objection. Asked and 15 I didn't know this much trouble legally. 15 answered. Q. Do you still have a bad 16 A. That question seems to be 16 17 relationship with Susan Lee? 17 irrelevant with the proceed of today --MS. GHIM: Objection. Asked and proceedings of today. 18 18 19 19 Q. You can answer it nonetheless. answered. 20 A. Well, it's just so-so. 20 What should I answer to? Could you Q. Did you ever ask her to manage the 21 21 repeat the question. salon for you after you received it? (The requested portion of the 22 22 2.3 A. At the very beginning I asked her 23 record was read.) 24 to help me a little bit since she was the former Are you asking if I paid her? 24 owner for that business. 25 Q. Yes. TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 94 Page 95 **CHE** 1 CHE 1 2 2 If you keep repeating the same No. Why do I have to pay her? I question, it also cause me some headache and 3 did not. 3 Q. When she helped you out at the wasting our time. If you have other questions, 4 4 you can ask me. If you already gave me the same 5 salon at the very beginning, did she do that as a 5 question, I hope you don't repeat it. 6 6 favor to vou? 7 MS. GHIM: Objection. Redundant. 7 MS. KORGAONKAR: I'm going to ask 8 Badgering. 8 you again, Ms. Ghim, not to coach your client 9 9 A. Yes, that's how I understood. through your objections. MS. GHIM: And for the record, I 10 (Recess taken.) 10 Q. What's the name of the corporation 11 did not coach my client. I simply raised an 11 that currently holds the salon? objection with the basis for that objection, 12 12 13 MR. YIM: Objection. Asked and 13 which was asked and answered. 14 14 MS. KORGAONKAR: I'm going to enter answered. A. I think you gave me that question 15 into the record Exhibit 3. 15 16 (Che Exhibit 3 marked for 16 before. 17 17 identification.) Q. You can answer. A. It's Diva Nail and Spa Y.A., Inc. 18 MS. GHIM: Oh, and before we begin 18 I don't know English well. again with questioning, I would just like to 19 19 note also for the record that when I state my Q. When was the transfer of the salon 20 20 21 made to Diva Nail and Spa Y.A., Inc.? 21 objection and the basis for it, it's not being translated back to my client. So the basis 22 MS. GHIM: Objection. Asked and 22 23 for Ms. Korgaonkar stating that -- asking me 2.3 answered. 24 A. I think I already told you before. 24 not to coach my client is unfounded. You should have all those reflected on the record. 25 O. Do you recognize this document? 25 TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 96 Page 97 1 **CHE** 1 CHE 2 2 Q. I'll try to restate it. A. I don't know. What is this? A. Well, let me tell you, as I told 3 3 MS. GHIM: Counsel would like to 4 see the exhibit before my client follows up you all here, I cleared that I was not working as the president, even though I signed on those with any testimony. 5 5 6 documents. I told you clearly. I told you 6 A. I don't know what that is. clearly. 7 Q. This is a document from the 7 division of corporations regarding Diva Nail and 8 Now you're questioning again using 8 9 this document with this name, and so you're asking 9 Spa Y.A. if I am the owner of this. Of course I am the 10 A. Yes. So? 10 Q. Who had ownership of the salon 11 owner of this. I'm the president of this. I told 11 you with the other documents that even though I 12 before Diva Nail and Spa Y.A. existed? 12 13 signed on those, but I was not working as the A. The ownership prior to this 13 14 corporation name, Diva Nail and Spa, which was --14 president. 15 belonged to the owner -- previous owner. 15 Q. I think we're having a misunderstanding. I'm going to restate the 16 Q. Which previous owner are you 16 17 referring to? 17 question. A. The original owner for this was 18 The question is: Who owned the 18 salon immediately prior to Diva Nail and Spa Y.A.? 19 Susan, isn't it? 19 MR. YIM: Objection. Asked and 20 Q. Who was the owner immediately prior 20 to Diva Nail and Spa Y.A.? 21 21 answered. MS. GHIM: Objection. Redundant 22 MS. GHIM: Objection. Badgering. 22 A. As I look at this document today, 23 and badgering. 23 A. I do not understand your question. all I can say is just simply that I signed at the 24 time on that previous document to be the owner of 25 I do not understand your question. TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 98 Page 99 **CHE** 1 **CHE** 1 2 that business at the time. But now, after the 2 Q. Ms. Che, your attorney is directing business name changed, I became owner for this you not to answer the question. Are you refusing 3 the question? 4 Diva Nail and Spa. 4 5 Q. I don't understand your answer. MS. GHIM: Yes, for the fifth time. 5 MR. YIM: Is that a question? 6 MS. KORGAONKAR: I'm asking your 6 7 7 Q. The question is very direct. It's client, the deponent. 8 simply: Which person or entity owned the salon 8 A. I will respect my lawyer's immediately prior to Diva Nail and Spa Y.A.? 9 9 instruction. MS. GHIM: Objection. Badgering. 10 10 Q. Are you, yes or no, refusing to 11 Are you going to continue to ask the same 11 answer? question? Because then I think we should call 12 12 Yes. A. 13 the court for a protective order. 13 Q. Okay. Did you incorporate any 14 MS. KORGAONKAR: I have to get an 14 entities on April 16th of this year? A. You said April 16th? 15 answer. I can't understand her answer. 15 16 MS. GHIM: "I don't understand" is 16 MS. KORGAONKAR: Can you repeat the 17 17 question that I had. not a question. (The requested portion of the A. Before I answer to your question, 18 18 I'd like to give a statement. 19 record was read.) 19 Q. I'd like you to answer the question MS. KORGAONKAR: I'm sorry. Strike 20 20 21 before your statement, please. 21 that question. MS. GHIM: No. My client is not 22 22 O. Did you incorporate any entities on going to answer anymore of this question. April 16th of this year? 23 23 24 It's already been asked and answered. 24 MS. GHIM: Objection. Ambiguous 25 Don't answer the question. 25 question. TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 100 Page 101 1 1 **CHE** CHE 2 A. Why do I have to create any other 2 question. incorporation? Nothing else except this. I don't After I owned this business, I 3 4 know which direction you are driving me into. 4 learned there's some other problem by Susan, and I O. Did vou incorporate Diva Nail and 5 didn't want to keep having that kind of problems. 5 Spa Y.A. on April 16th of this year? 6 Q. What problems did you learn from 6 A. I'm not certain if it was April 16 7 7 Susan about? 8 when I create that. 8 A. Even before I learned there's some 9 9 problem through Susan, these people came to the Q. And for what purpose did you create Diva Nail and Spa Y.A.? business premises to protest. 10 10 MS. GHIM: Objection. Asked and 11 MS. KORGAONKAR: Could you read 11 back just the previous answer. Not this 12 answered. 12 recent answer; the one before. 13 13 A. Well, when you have one company, 14 it's natural to create as a corporation. Where is 14 (The requested portion of the 15 there any -- there shouldn't be any other purpose 15 record was read.) Q. Please explain to me the problem 16 except that. 16 17 that you're discussing that you learned about from 17 Q. Any purpose except for what? 18 A. There's no other purpose except 18 Susan Lee. just creating a company. Would be there any other 19 MS. GHIM: Objection. Asked and 19 20 purpose when we create this company like this? 20 answered. Q. Well, I'm asking you what the 21 A. Well, from now on I do refuse 21 purpose is. What was the purpose? answering to your question because your question 22 22 You already had the salon. What and make a record, and then little later you 2.3 23 was the purpose of creating a new corporation? question again, same thing. And you check at me, 24 A. Oh, well, now I understand your and it looks like you are looking for some kind of 25 TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 102 Page 103 1 CHE **CHE** 1 2 2 MS. KORGAONKAR: Let's take a conflict between those words. Since you are keeping me here for hours, it makes me difficult 3 3 five-minute break. to answer properly. Just give me question what 4 (Recess taken.) 5 you need to know about this. Q. So we're back on the record. And 5 6 Ms. Che, I'm not sure whether your counsel let you 6 Q. Ms. Che, I'm asking you only know what just happened. We had a brief phone 7 7 questions that I need answers to. But I'm going 8 to have to request that you listen to the question 8 call with the court, and they advised that we go 9 forward with your deposition. 9 and answer it very directly. MS. GHIM: Objection. I'm going to 10 A. So that's what you heard from the 10 11 make a motion for a protective order. 11 court? 12 Don't answer. 12 O. That's right. 13 Q. Your attorney is directing you not 13 MS. GHIM: But not on the same 14 to answer the question that I asked you. 14 question. A. Yes. 15 15 MR. HAN: That's not what they 16 Q. Are you refusing to answer? 16 said. 17 A. Yes. 17 MS. KORGAONKAR: I'm going to --18 MS. GHIM: Do plaintiff's counsel 18 MR. HAN: They said if you need to, 19 wish to join in on this conference call to the you can move for a protective order and 19 attorney costs after the fact. 20 20 court? 21 MR. YIM: Can we have it 2.1 A. Then I will follow and respect the 22 court's order. 22 conferenced in through this line that has 23 23 Q. Thank you. speakers? 24 MR. HAN: Yeah, we'd like to join 24 So in light of that I'm going to 25 25 ask you one more time, and if you can answer as in. TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 105 Page 104 1 **CHE** 1 CHE 2 2 Q. That's right. directly as you're able. 3 3 MS. GHIM: Objection. Assumes Prior to Diva Y.A., who owned the 4 4 facts not in evidence. salon? 5 5 A. Maybe it was April 16th. I wasn't MR. YIM: Objection. Asked and clear what the exact date was. Since I see the 6 6 answered. document, it looks like that date. 7 A. The owner was Susan. 7 Q. At some point -- strike. 8 Q. On March 19th were you aware that 8 Who owned the salon between 9 Susan Lee was scheduled to appear for a deposition 9 the following day? March 19th and April 16th? 10 10 A. From March 19th until April 16th? 11 A. I didn't know that. Right. 11 12 MS. GHIM: Objection. Asked and 12 O. Did you know at any point prior to answered. Badgering. April that the plaintiffs in this case were moving 13 13 14 A. I became the owner from the 1st of 14 for an order to restrain the sale of the salon? 15 April. Once again, it was the same question that 15 MS. GHIM: Objection. Asked and 16 you gave before. I have been an owner from answered. 16 THE INTERPRETER: Would you repeat 17 17 April 1st. 18 Q. At some point J.H. Diva transferred 18 the question. the salon to Diva Y.A. When did that transfer 19 19 (The requested portion of the 20 take place? 20 record was read.) 21 A. I didn't know that. Was there any 21 MR. YIM: Objection. order like that issued? MS. GHIM: Objection. Leading. 22 22 2.3 A. So you're asking when J.H. Diva --23 Q. Well, the question was: Did you 24 you're asking when did J.H. Diva change to know that the plaintiffs were moving, which I think you've answered. 25 Diva Y.A.? TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 106 Page 107 **CHE** 1 **CHE** 1 2 A. I didn't know. 2 Q. Do you know that there is a motion 3 Q. Are you aware that there is now an 3 before the court now regarding the salon? attachment motion regarding the salon in Glen Head A. I'm just saying that my current 4 4 business in the lawsuit. 5 5 pending? 6 6 Q. It's just a yes or no. A. Which business? 7 Q. The salon in Glen Head. 7 A. I didn't understand that as well. 8 A. Glen Head? You mean my own current 8 O. I'll move on for now. 9 9 business? Earlier this morning you mentioned 10 Q. That -- that's right, the one at receiving interrogatories. Who were they from? 10 11 240 Glen Head. 11 MS. GHIM: Objection. Asked and 12 12 A. What's going on to my business? answered. MS. KORGAONKAR: Can you repeat the 13 13 A. Well, let me give you the question: 14 question. 14 Were you ordered by the court to repeat the same 15 (The requested portion of the question? 15 16 record was read.) 16 Q. No. The court made no orders. A. I didn't understand the question 17 17 MS. KORGAONKAR: Can you repeat the 18 well. 18 question so the witness can answer it. 19 THE INTERPRETER: The witness asked 19 (The requested portion of the 20 me to repeat just the interpreting. I think 20 record was read.) 21 the witness could not understand certain 21 A. One morning when I went to work, an Korean language. American brought that to me. 22 22 MS. KORGAONKAR: I'm going to try Q. Who were they from? 23 23 24 to put the question differently. 24 A. I don't know where he was from, but 25 THE WITNESS: Yes, yes. Go ahead. 25 he was delivering that to me, but I didn't TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 108 Page 109 1 **CHE** 1 **CHE** understand English. And he was asking me if I was 2 2 answered. the owner of the business. So I said that's 3 A. What kind of a document? Keep 4 correct. And then he asked my name. So I told 4 where? I brought some with me. him my name was Nancy. And then he just gave the Q. We have those. Thank you. 5 5 paper to me and left. 6 MR. HAN: Which documents are you 6 Q. And when was this? referring to? 7 7 A. It was one Tuesday. I don't know 8 MS. GHIM: The same documents 8 how long ago it was. Maybe more than one month. 9 9 through the document production. Q. Earlier you had said that you found 10 10 A. I don't know why you're giving me out about this case through news media or 11 this kind of a question. 11 12 television, but then you also said you didn't know 12 MR. HAN: Are there any documents about the lawsuit at the time of purchase. 13 in there that weren't in the document 13 14 Can you just explain the time line 14 production? 15 to me. 15 MS. GHIM: What she's referring to is what I sent over. 16 A. I just call her as like a younger 16 sister, but she's just close friend to me, and she 17 17 MR. HAN: Okay. saw TV and relayed that to me. But I read myself 18 Q. I mean any mail or any bank 18 through a newspaper. 19 19 statements --Q. And when was that? 20 2.0 MS. GHIM: Objection. Asked and A. It's been a while. I think it's 21 21 answered. more than one year ago. 22 22 O. -- that the salon receives. 23 Q. Where do you keep all the documents 2.3 A. So you're asking where I kept related to the salon? 24 2.4 those? 25 MS. GHIM: Objection. Asked and 25 Q. That's right. TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 110 Page 111 **CHE** 1 1 **CHE** 2 2 A. Most of them kept at business A. Where can I get that kind of 3 document? I don't know where to get. 3 premise. Q. Well, do you have any documents 4 Q. And is it your general business 4 that show the salon being transferred to practice to keep all the bank statements that the 5 5 6 6 salon receives? Diva Y.A.? 7 7 A. There's some paper. I have A. Yes, I do that always. 8 Q. And do you have any documents that 8 recently received some documents from bank. Maybe 9 show that Diva Y.A. owns the salon? 9 that's the thing. A. You're asking me if some -- is 10 Q. Do you have any documents that show 10 there any document showing that Diva is the owner 11 that someone or some entity transferred the salon 11 to Diva Y.A.? That's the question. 12 of the salon? 13 Q. Diva Y.A. 13 MS. GHIM: Objection. Redundant. MR. YIM: Asked and answered. 14 MS. GHIM: She's referring to the 14 15 A. No, I do not. 15 corporate book. A. I brought this today. I show you 16 Q. And the bank documents that you 16 just mentioned that you will receive, do we have 17 the document that I brought today. This one 17 probably. Any other special document besides 18 those documents? 18 this? I thought this was the one you need. These A. It's kept at the business premise. 19 kinds of questions are strange. 20 Q. Okay. So you have not produced 20 21 Q. This document does not -- I'm 21 them to us yet. Is that right? asking whether there's any documents that show 22 A. Those documents I think I gave you 22 the other day. I gave it to my lawyer. Diva Y.A. that Diva Y.A., the corporation, owns the salon? 23 24 MS. GHIM: Objection. Asked and 24 was written in the bank statement which I received 25 and gave it to my lawyer. answered. TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 112 Page 113 1 **CHE** 1 **CHE** 2 2 O. Okav. because you just now said that you don't have them MS. GHIM: And that document was 3 3 with you. 4 produced to plaintiff's counsel on the 8th. 4 Do you have them somewhere else? 5 Q. Do you have any documents showing 5 A. No. the transfer of any assets from either 6 Q. Do you think that anyone else might 6 have such a document? 7 J.H. Diva -- strike. 7 8 8 Do you have any documents showing A. Not at all, no. It cannot be. the transfer of any asset from J.H. Diva to 9 9 Q. I want you to help me understand something. This document that we talked about 10 Diva Y.A.? 10 11 MS. GHIM: Objection. Asked and 11 before shows the salon going to J.H. Diva on 12 12 March 19th, and that's where our paper trail ends. answered. So the salon went to J.H. Diva on March 19th. 13 13 MR. YIM: Objection. Foundation. 14 A. I do not have those. Am I required 14 What happened after March 19th that 15 to keep the -- or make this kind of document? I 15 brought the salon into the ownership of Diva Y.A.? didn't know about that. Once I own the business, MS. GHIM: Objection. Asked and 16 16 everything inside the business premises should 17 17 answered. 18 belong to me; isn't it? 18 MR. YIM: Asked and answered, and Q. Well, when you said that you don't 19 19 foundation. 20 have those documents, does that just mean that, to 20 A. I know you keep asking the same your knowledge, they don't exist? 21 21 question. MS. GHIM: Objection. Asked and 22 First, I'd like to talk to you --22 talk before you is that I was not familiar with 23 answered. 24 A. I do not have a document with me. the laws. So I just signed, understanding that I Q. Do you -- I'm trying to clarify 25 was going to own the business. I feel frustrated. TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 114 Page 115 1 **CHE CHE** 1 2 2 I start owning that business by doing this, A. I went to an accountant's office to 3 nothing else, no other process. apply for changing the business title. I told you earlier that I went to the office across the I didn't know what to do with those 4 public parking lot. I told you already. And you 5 5 billings or assets inside the premise. I didn't know what to do with this except just doing this. 6 asked me same thing again. 6 Q. And what's the name of this Q. Did you ever sign a document like 7 7 8 this that shows the salon coming into the 8 accountant? 9 ownership of Diva Y.A.? 9 A. The accountant's name -- give me a MS. GHIM: Objection. Asked and second. His Korean name is Jaekwang. 10 10 11 answered. Badgering. 11 THE INTERPRETER: J-A-E-K-W-A-N-G, MR. YIM: Asked and answered. 12 12 B-A-N. 13 A. You mean exactly this document? 13 MS. KORGAONKAR: B as in boy? 14 Q. I don't -- I don't understand. 14 THE INTERPRETER: Yes. 15 A. You mean exact this? You're asking 15 Q. And did you sign any documents when 16 something else except this? 16 you went to Mr. Ban's office? Q. Not this document. Besides this A. So what I did is just wanted to 17 17 change the business until I got this business, and 18 one. Yes. 18 A. I feel so frustrated. What kind of that's what I applied. 19 19 document for Diva? I don't know. What are you Q. And to do that, did you sign any 20 20 21 looking for? 21 documents? Q. What I'm looking for is I want to 22 22 MS. GHIM: Objection. Asked and know whether there are any documents that show 23 answered. 24 that the salon got transferred to Diva Y.A.? 24 A. I brought this with me that showed MS. GHIM: Objection. 25 25 that my company was created to this kind of a TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 117 Page 116 1 **CHE** 1 **CHE** paper. I asked him to change J.H. Diva into my 2 they're all blank. Why is that? 2 3 3 A. I don't know. I don't know what own. 4 Q. I understand that. 4 you mean with this. 5 And I'm going to ask you this. I'm 5 Q. This is a photocopy of your going to ask again: Did you sign any documents? original that you're now holding. 6 6 Not what you took, but what you might have signed. 7 7 MR. YIM: I object. There's 8 A. Yes, I did. 8 documents that may or may not be used there 9 Q. Okay. And did you get any copies 9 and have not yet been authenticated. of the things that you signed? 10 10 (Che Exhibit 5 marked for 11 A. I do not recall. 11 identification.) MS. KORGAONKAR: And please note 12 12 MR. YIM: Just as a question, is for the record that the deponent indicated 13 13 that -- is that binder just the documents that physically the document that we're about to 14 14 you just photocopied? MR. HAN: Yes. 15 enter as Exhibit 4. 15 MR. YIM: Okay. I withdraw my 16 (Che Exhibit 4 marked for 16 17 identification.) 17 objection. 18 Q. Was it in April that you went to 18 Q. For example, I see that this document is completely blank. 19 see Mr. Ban? 19 20 A. I think it was in May. I think I 20 MR. YIM: Objection. The document said that before. speaks for itself. 21 21 Q. And did anyone go with you? Q. Why are the documents in your 22 22 A. No. I just did myself. corporate records blank? 23 23 Q. Now, I think we noted in your -- in A. I just applied and I was given this 24 2.4 your corporate records which we copied that way. That's how I just kept. I didn't know what 25 TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 118 Page 119 **CHE** CHE 1 1 2 2 was going on inside. went to Jong Ho Kim's office or another person for 3 Q. And who gave you the documents? 3 this. I am confused now. I cannot tell you. A. This file was given to me after I Q. Is there someone else who you have 4 4 5 5 apply for -- I don't know if I picked up this in mind who it could have been, if not Mr. Kim? myself. I don't know if I picked this myself. 6 You mean about this? 6 7 7 I'm not sure. I do not recall clearly about this. O. Yes, exactly. 8 Q. Do you recall when it came into 8 Then it could be Jaekwang Ban. I'm A. just confused now, so I cannot tell you. 9 vour possession? 9 10 Q. Do you -- Jaekwang Ban is the same 10 A. When was it? Anyway, I want the lawyer or maybe an accountant to make this. After accountant that you mentioned before. Is that 11 11 I applied for this, I think I got this maybe in correct? 12 12 13 three weeks. I'm not certain. 13 A. Yes. I'm not sure if that was him 14 Q. Three weeks from when? 14 or another party, Jong Ho Kim. If I have the A. Okay. Let me say I went to a answer later I'll let you know. 15 15 lawyer first. When I went there we found that all O. Thank you. 16 16 the process was completed. After that I applied 17 Have you ever met or heard of --17 18 18 for this kit. strike. 19 And to whom did you apply for this 19 Do you know an attorney named Q. 20 20 Michael Choi? kit? 21 A. For now I was with the lawyer and 21 A. It's a lawyer? O. Yes, that's right. 22 also accountant at the time, so I get them kind of 22 23 As for a lawyer, I know only 23 confused. 24 Q. Which lawyer was it? 24 Jong Ho Kim. I'm not sure. I don't know about 25 A. Jong Ho Kim. I don't know if I 25 TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 120 Page 121 1 **CHE** 1 CHE remembered that earlier you said to me something 2 Q. And you said that Mr. Ban or 2 Mr. Kim helped you apply to get this kit. 3 3 to the effect of --4 But you never answered the 4 A. You mean the thing that I tried to 5 question: Where did you apply to get this kit? 5 say and then stopped in the middle? A. That's what I'm confused now. I am 6 Q. I think that was it. I just am 6 confused where I applied. So as I said, if it 7 7 wanting -- I'm just asking if you want that opportunity now? comes to my mind I will let you know. 8 8 9 9 Q. So you -- did you fill out an MR. YIM: Objection. Overbroad. application on paper to get this kit? MS. KORGAONKAR: I'm going to --10 10 11 MS. GHIM: Objection. Asked and I'm going to restate this. 11 12 answered. 12 O. Susan Lee has told us her side of A. I feel headache. the events. I'm asking you now whether you want 13 13 14 Q. You had said before that you had 14 to state your version of the events that we've 15 wanted to tell your story. And at that point I 15 been discussing today. You don't have to. had said, Let's finish answering the questions. MS. GHIM: Objection. 16 16 So I'm going to give you an opportunity now which 17 MR. YIM: Vague and ambiguous. 17 you asked for before. 18 Q. You're under no obligation to. I 18 just bring it up because you had brought up 19 MS. GHIM: Objection. Is there a 19 question? 20 something to that effect earlier, and I had asked Q. Do you want to tell your story? 21 that you reserve your statement until later. 21 A. What kind of story? A. Okay. I'll talk about that later. 22 22 MS. GHIM: Objection. Overbroad. 23 23 Q. Okay. Well, now is the time. Q. There may have been a We're finishing up. You're under no obligation. 24 mistranslation or a misunderstanding. I had It's only because you had brought it up before. TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

Page 122 Page 123 **CHE** 1 **CHE** 1 2 It's your choice. 2 MR. YIM: 3 A. What I'm trying to say was I just 3 Q. Ms. Che, I'm the attorney for Susan go on through this incident. I -- there were some 4 4 Lee. I will be asking a few questions. Please be problems since I didn't handle it straightfully or reminded you're still under oath. 5 5 6 You previously stated you had a б properly. 7 strained relationship with Susan Lee after this 7 So what came to my mind after I 8 arrived here, that I should make the things in 8 due to this sale -- strike that. 9 You previously testified that you detail clearly if I have to do these kinds of had a strained relationship with Susan Lee due 10 things later on, if it's necessary I should close 10 11 something and open something new. That's what I to -- strike that. Let me rephrase. 11 12 learned today. 12 Is it accurate that your 13 At the time that I just think a 13 previous -- in your previous -- you previously 14 very simple way. Because I could not collect the 14 testified that you had a strained relationship with Susan Lee due to debts? money, I thought it best for me to get to 15 15 16 ownership of that business. 16 A. Yes. 17 Q. Okay. Is it accurate to say that 17 So as today, I feel like -- I'm sorry that I feel like I gave you burden with this you didn't trust her to pay you back on the debts? 18 18 incident, even though you are all busy. 19 MR. HAN: Objection. 19 MR. YIM: Are you taking over now? 20 MS. KORGAONKAR: There's no need to 20 21 apologize. And thank you for coming to our 21 Is she done? 22 office. 22 MR. HAN: We can all --23 23 MR. YIM: I have just a few MR. YIM: You can't have more than 24 questions. 24 one attorney making objections for one party. 25 **EXAMINATION BY** MR. HAN: Sure you can. 25 TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580 Page 124 Page 125 1 CHE 1 **CHE** 2 2 Yes, altogether four times. MR. YIM: Okay. If that's your 3 Could you explain why did you make position. 3 4 4 four -- why did you -- strike that. I'll just Repeat the question, please. move on real quick and we'll call it a day. 5 (The requested portion of the 5 6 6 Are you -- are you related to Susan record was read.) 7 A. As I testified earlier, I didn't 7 Lee or John Lee -- strike that. Are you related to Susan Lee? 8 mean that I didn't trust her in terms of returning 8 9 9 my money. But because she had a business, I felt A. No. I'm not. that I could take over her business instead of 10 10 Q. Is it accurate that you previously getting paid back. 11 testified that you called her -- she would call 11 12 Q. Did you believe that she had 12 you her -- she would call you older sister? MR. HAN: Objection. Leading. 13 another way to pay you back besides through the 13 14 business? 14 A. Yes. She called me "big sister." 15 MS. KORGAONKAR: Objection. 15 It's -- all Korean people always call each other MR. HAN: Objection. Speculation. 16 16 "big sister" or something like that. A. She makes good business, so I 17 17 Q. Does that -- does calling someone thought she could return my money. But she 18 "big sister" imply a family relationship? 18 19 won't -- she did not -- she didn't -- she did not 19 MR. HAN: Objection. Foundation. 20 pay me back. 20 A. No, it's not a family relationship. 21 Q. Okay. You previously testified 21 MR. YIM: Okay. That's it. Thank 22 that you gave her four separate cash loans. Is 22 23 that accurate? 23 MS. GHIM: I just have a few 24 MS. GHIM: Objection. Leading questions before we close really quick. 24 25 question. 25 **EXAMINATION BY** TSG Reporting - Worldwide (877) 702-9580 TSG Reporting - Worldwide (877) 702-9580

	Page 126		Page 127		
1	CHE	1	СНЕ		
2	MS. GHIM:	2	MR. HAN: Objection.		
3	Q. Ms. Che, you know you're still	3	A. That's what I thought.		
4	under oath. I'm just going to ask you a few	4	Q. And one last question: The		
5	questions.	5	attorneys have been referencing a lawsuit against		
6	Ms. Che, the documents that were	6	the nail salon at 240 Glen Head Road, which is		
7	shown to you today, are you able to read those	7	your salon.		
8	documents beyond your own name or the store name?		MR. HAN: Objection. Irrelevance.		
9	A. No. I didn't understand. I	9	A. Yes.		
10	couldn't read at all.	10	Q. Are you aware of who the plaintiffs		
11	MR. HAN: Objection.	11	are in the case?		
12	Q. And it was your understanding that	12	A. I don't know them.		
13 14	after strike that.	13	Q. You stated that you were aware that		
15	It's your understanding that when you say "change the name of the business" means	14   15	Susan Lee was having problems with her had		
16	your purchase of the store?	16	problems with her employees?  MR. HAN: Objection.		
17	A. Yes.	17	Misrepresentation of the record.		
18	Q. Okay. And after you purchased the	18	MS. GHIM: Let me rephrase that.		
19	store, you believed it was yours?	19	Q. You said you were aware of		
20	MS. KORGAONKAR: Objection. That's	20	demonstrators outside the store.		
21	not a question.	21	MR. HAN: Was there a question?		
22	A. That's what I thought.	22	A. Every Tuesday they were in front of		
23	Q. And did you incorporate because you	23	my business. That's why		
24	wanted corporate protection and not just ownership	24	Q. Do you know who they are or why		
25	as an individual?	25	they're demonstrating?		
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1	СНЕ	1	INDEX		
2	A. I became knowing about that since	2	WITNESS EXAM BY PAGE		
3	this matter became such a big thing.	3	Y. Ai Che Ms. Korgaonkar 5		
4	Q. Did you ever work for Susan Lee?	4	Mr. Yim 122		
5	A. Not at all. Never.	5 6	Ms. Ghim 125		
6	Q. Did you ever did you ever meet	7			
7	any of her employees that worked at this Diva	8			
8	location at 240 Glen Head Road I'm sorry.	9	EXHIBITS		
9	Strike that.	10	EXHIBIT DESCRIPTION PAGE		
10 11	Were you aware of the of Susan Lee's other nail salon in Old Bethpage?	11	Exhibit 1 Amendment of Contract of Sale 60		
12	MR. HAN: Objection.	12	Exhibit 2 Assignment and Assumption of 77 Lease		
13	A. I don't know. I don't know.	13	Lease		
14	MS. GHIM: Okay. Thank you.		Exhibit 3 New York State incorporation 95		
15	(Time Ended: 5:12 p.m.)	14	filing		
16	,,	15	Exhibit 4 Certificate of Incorporation 116		
17		16	Exhibit 5 Binder of corporate records 117		
18	YING AI CHE	17			
19		18 19			
20	Subscribed and sworn to	20			
21	before me this day	21			
22	of July, 2009	22			
23		23			
24		24			
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1       ***ERRATA SHEET***         2       NAME OF CASE: Thong v. Lovely Nails, et al.         3       DATE OF DEPOSITION: 7/15/09         4       NAME OF WITNESS: Y. Ai Che         5       Reason codes:         6       1. To clarify the record.         2. To conform to the facts.         7       3. To correct transcription errors.         8       Page Line Reason         From to          9       Line Reason         10       Page Line Reason         From to          12       Page Line Reason         From to          14       Page Line Reason         From to	
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